

GABRIEL CONROY

COLLECTION
OF
BRITISH AUTHORS
TAUCHNITZ EDITION.

VOL. 1585.

GABRIEL CONROY BY BRET HARTE.

IN TWO VOLUMES.

VOL. II.

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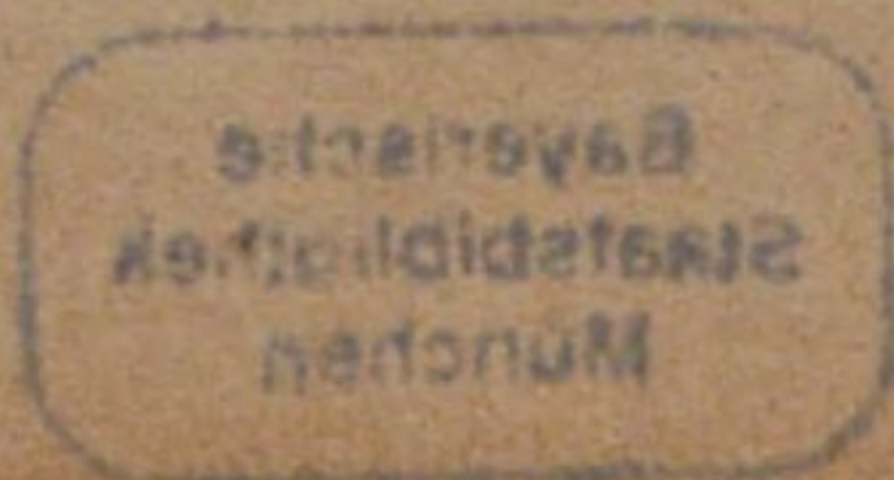
IN TWO VOLUMES.

VOL. II.

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BERNHARD TAUCHNITZ

1876.



GABRIEL CONROY.

BY
H. R. T. HART.

WITH AN INTRODUCTION

BY THE AUTHOR.

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BOOK V.

THE VEIN.

BOOK 7.

THE VEIN.

CHAPTER I.

In which Gabriel recognizes the Proprieties.

AFTER the visit of Mr. Peter Dumphy, One Horse Gulch was not surprised at the news of any stroke of good fortune. It was enough that he, the great capitalist, the successful speculator, had been there! The information that a company had been formed to develop a rich silver mine recently discovered on Conroy's Hill was received as a matter of course. Already the theories of the discovery were perfectly well established. That it was simply a grand speculative *coup* of Dumphy's—that upon a boldly conceived plan this man intended to build up the town of One Horse Gulch—that he had invented "the lead" and backed it by an ostentatious display of capital in mills and smelting works solely for a speculative purpose; that five years before he had selected Gabriel Conroy as a simple minded tool for this design; that Gabriel's Two and One Half Millions was merely an exaggerated form of expressing the exact wages—One Thousand dollars a year, which was all Dumphy had paid him for the use of his name, and that it was the duty of every man to endeavor to realize quickly on the advance of property before this enormous bubble burst—this was the theory of one half the people of One Horse Gulch. On the other hand there was a large party who knew exactly the reverse. That the whole thing was purely accidental; that Mr. Peter Dumphy being

called by other business to One Horse Gulch, while walking with Gabriel Conroy one day had picked up a singular piece of rock on Gabriel's claim, and had said, "this looks like silver;" that Gabriel Conroy had laughed at the suggestion, whereat Mr. Peter Dumphy, who never laughed, had turned about curtly and demanded in his usual sharp business way, "Will you take Seventeen Millions for all your right and title to this claim?" That Gabriel—"you know what a blank fool Gabe is!" had assented, "and this way, Sir, actually disposed of a property worth on the lowest calculation One Hundred and Fifty Millions." This was the generally accepted theory of the other and more imaginative portion of One Horse Gulch.

Howbeit within the next few weeks following the advent of Mr. Dumphy the very soil seemed to have quickened through that sunshine, and all over the settlement pieces of plank and scantling—the thin blades of new dwellings—started up under that beneficent presence. On the bleak hillsides the more extensive foundations of the Conroy Smelting Works were laid. The modest boarding-house and restaurant of Mrs. Markle* was found inadequate to the wants, and inconsistent with the greatness of One Horse Gulch, and a new hotel was erected. But here I am anticipating another evidence of progress—namely, the daily newspaper—in which these events were reported with a combination of ease and elegance one may envy yet never attain. Said the *Times*:

"The Grand Conroy House, now being inaugurated, will be managed by Mrs. Susan Markle, whose talents as a *chef de cuisine* are as well known to One Horse Gulch as are her rare social graces and magnificent personal charms. She will be aided by her former accomplished assistant, Miss Sarah Clark. As a hash slinger Sal can walk over anything of her weight in Plumas."

With these and other evidences of an improvement in public taste, the old baleful title of "One Horse Gulch" was deemed incongruous. It was proposed to change that name to "Silveropolis," there being, in the figurative language of the Gulch, "more than One Horse could draw."

Meanwhile the nominal and responsible position of Superintendent of the new works was filled by Gabriel, although the actual business and executive duty was performed by a sharp, snappy young fellow of about half Gabriel's size, supplied by the Company. This was in accordance with the wishes of Gabriel, who could not bear idleness; and the Company, although distrusting his administrative ability, wisely recognized his great power over the workmen through the popularity of his easy democratic manners, and his disposition always to lend his valuable physical assistance in cases of emergency. Gabriel had become a great favorite with the men ever since they found that prosperity had not altered his simple nature. It was pleasant to them to be able to point out to a stranger this plain, unostentatious, powerful giant, working like themselves and with themselves, with the added information that he owned half the mine and was worth Seventeen Millions! Always a shy and rather lonely man, his wealth seemed to have driven him, by its very oppressiveness, to the society of his humble fellows for relief. A certain deprecatoriness of manner whenever his riches were alluded to strengthened the belief of some in that theory that he was merely the creature of Dumphy's speculation.

Although Gabriel was always assigned a small and insignificant part in the present prosperity of One

Horse Gulch, it was somewhat characteristic of the peculiar wrong-headedness of this community that no one ever suspected his wife of any complicity in it. It had been long since settled that her superiority to her husband was chiefly the feminine charm of social grace and physical attraction. That warmed by the sunshine of affluence this butterfly would wantonly flit from flower to flower, and eventually quit her husband and One Horse Gulch for some more genial clime was never doubted. "She'll make them millions fly, ef she hez to fly with it," was the tenor of local criticism. A pity not unmixed with contempt, was felt for Gabriel's apparent indifference to this prophetic outlook; his absolute insensibility to his wife's ambiguous reputation was looked upon as the hopelessness of a thoroughly deceived man. Even Mrs. Markle, whose attempts to mollify Olly had been received coldly by that young woman—even she was a convert to the theory of the complete domination of the Conroy household by this alien and stranger.

But despite this baleful prophecy Mrs. Conroy did not fly nor show any inclination to leave her husband. A new house was built, with that rapidity of production that belonged to the climate, among the pines of Conroy's hill, which on the hottest summer day still exuded the fresh sap of its green timbers and exhaled a woodland spicery. Here the good taste of Mrs. Conroy flowered in chintz and was always fresh and feminine in white muslin curtains and pretty carpets, and here the fraternal love of Gabriel brought a grand piano for the use of Olly, and a teacher. Hither also came the best citizens of the county—even the notabilities of the State, feeling that Mr. Dumphy had; to a certain extent,

made One Horse Gulch respectable, soon found out also that Mrs. Conroy was attractive; the Hon. Blank had dined there on the occasion of his last visit to his constituents of the Gulch; the Hon. Judge Beeswinger had told in her parlor several of his most effective stories. Col. Starbottle's manly breast had dilated over her dish covers, and he had carried away with him not only a vivid appreciation of her charms capable of future eloquent expression, but an equally vivid idea of his own fascinations, equally incapable of concealment. Gabriel himself rarely occupied the house except for the exigences of food and nightly shelter. If decoyed there at other times by specious invitation of Olly, he compromised by sitting on the back porch in his shirt sleeves, alleging as a reason his fear of the contaminating influence of his short black pipe. "Don't ye mind *me*, July," he would say, when his spouse with anxious face and deprecatory manner, would waive her native fastidiousness and aver that "she liked it." "Don't ye mind me, I admire to sit out yer. I'm a heap more comfortable outer doors, and allus waz. I reckon the smell might get into them curtins and then—and then—" added Gabriel, quietly ignoring the look of pleased expostulation with which Mrs. Conroy recognized this fancied recognition of her tastes—"and then—*Olly's friends and thet teacher*, not being round like you and me allez and used to it, *they* mightn't like it. And I've heerd that the smell of nigger-head terbacker do git inter the strings of a pianner and kinder stops the music. A pianner's a mighty cur'us thing. I've heerd say they're as dilikit and ailin' ez a child. Look in 'em and see them little strings a twistin' and crossin' each other like the reins of a six

mule team, and it 'tain't no wonder they gets mixed up often." It was not Gabriel's way to notice his wife's manner very closely, but if he had at that moment he might have fancied that there were other instruments whose fine chords were as subject to irritation and discordant disturbance. Perhaps only vaguely conscious of some womanish sullenness on his wife's part, Gabriel would at such times disengage himself as being the possible disorganizing element and lounge away. His favorite place of resort was his former cabin, now tenantless and in rapid decay, but which he had refused to dispose of, even after the erection of his two later dwellings rendered it an unnecessary and unsightly encumbrance of his lands. He loved to linger by the deserted hearth and smoke his pipe in solitude, not from any sentiment, conscious or unconscious, but from a force of habit, that was in this lonely man, almost as pathetic.

He may have become aware at this time that a certain growing disparity of sentiment and taste which he had before noticed with a vague pain and wonder, rendered his gradual separation from Olly a necessity of her well-doing. He had indeed revealed this to her on several occasions with that frankness which was natural to him. He had apologized with marked politeness to her music teacher who had once invited him to observe Olly's proficiency, by saying in general terms that he "took no stock in chunes. I reckon it's about ez easy, Miss, if ye don't ring me in. Thet chile's got to get on without thinking o' me—or my 'pinion—allowin' it was wuth thinkin' on." Once meeting Olly walking with some older and more fashionable school friends whom she had invited from Sacramento, he had

delicately avoided them with a sudden and undue consciousness of his great bulk, and his slow moving intellect, painfully sensitive to what seemed to him to be the preternatural quickness of the young people, and turned into a by-path.

On the other hand it is possible that with the novelty of her new situation and the increased importance that wealth brought to Olly, she had become more and more oblivious of her brother's feelings, and perhaps less persistent in her endeavors to draw him toward her. She knew that he had attained an equal importance among his fellows from this very wealth, and also a certain evident, palpable, superficial respect which satisfied her. With her restless ambition and the new life that was opening before her, his slower old-fashioned methods, his absolute rusticity—that day by day appeared more strongly in contrast to his surroundings—began to irritate where it had formerly only touched her sensibilities. From this irritation she at last escaped by the unfailing processes of youth and the fascination of newer impressions. And so day by day and hour by hour, they drifted slowly apart. Until, one day Mrs. Conroy was pleasantly startled by an announcement from Gabriel that he had completed arrangements to send Olly to boarding-school in Sacramento. It was understood, also, that this was only a necessary preliminary to the departure of herself and husband for a long promised tour of Europe.

As it was impossible for one of Gabriel's simple nature to keep his plans entirely secret, Olly was perfectly aware of his intention and prepared for the formal announcement which she knew would come in Gabriel's quaint serious way. In the critical attitude which

the child had taken toward him, she was more or less irritated, as an older person might have been, with the air of grave cautiousness with which Gabriel usually explained that conduct and manner which was perfectly apparent and open from the beginning. It was during a long walk in which the pair had strayed among the evergreen woods, when they came upon the little dismantled cabin. Here Gabriel stopped. Olly glanced around the spot and shrugged her shoulders. Gabriel, more mindful of Olly's manner than he had ever been of any other of her sex, instantly understood it.

"It ain't a purty place, Olly," he began, rubbing his hands, "but we've had high ole times yer—you and me. Don't ye mind the nights I used to kem up from the gulch and pitch in to mendin' your gownds, Olly, and you asleep? Don't ye mind that-ar dress I copper fastened?" and Gabriel laughed loudly, and yet a little doubtfully.

Olly laughed too, but not quite so heartily as her brother, and cast her eyes down upon her own figure. Gabriel followed the direction of her glance. It was not perhaps easy to re-create in the figure before him the *outré* little waif who such a short time—such a long time—ago had sat at his feet in that very cabin. It is not alone that Olly was better dressed, and her hair more tastefully arranged, but she seemed in some way to have become more refined and fastidious—a fastidiousness that was plainly an outgrowth of something that she possessed but *he* did not. As he looked at her, another vague hope that he had fostered—a fond belief that as she grew taller she would come to look like Grace, and so revive the missing sister in his

memory—this seemed to fade away before him. Yet it was characteristic of the unselfishness of his nature, that he did not attribute this disappointment to her alone, but rather to some latent principle in human nature whereof he had been ignorant. He had even gone so far as to invite criticism on a hypothetical case from the sagacious Johnson. "It's the difference atween human natur and brute natur," that philosopher had answered promptly. "A purp's the same purp allez, even arter it's a grown dorg, but a child ain't—it's the difference atween reason and instink."

But Olly, to whom this scene recalled another circumstance, did not participate in Gabriel's particular reminiscence. "Don't you remember, Gabe," she said, quickly, "the first night that sister July came here and stood right in that very door! Lord! how flabergasted we was to be sure! And if anybody'd told me, Gabe, that *she* was going to marry *you*—I'd, I'd a knocked 'em down," she blurted out, after hesitating for a suitable climax.

Gabriel, who in his turn did not seem to be particularly touched with Olly's form of reminiscence, rose instantly above all sentiment in a consideration of the proprieties. "Ye shouldn't talk o' knockin' people down, Olly—it ain't decent for a young gal," he said, quickly. "Not that *I* mind it," he added, with his usual apology, "but allowin' that some of them purty little friends o' yours or Teacher now, should hear ye! Sit down for a spell, Olly. I've suthin to tell ye."

He took her hand in his, and made her sit beside him on the rude stone that served as the old door-step of the cabin.

"May be ye might remember," he went on, lightly

lifting her hand in his, and striking it gently across his knee to beget an easy confidential manner, "may be ye might remember that I allers allowed to do two things ef ever I might make a strike—one was to give you a good schoolin'—the other was to find Grace, if so be as she was above the yearth. They waz many ways o' findin' out—many ways o' settin' at it, but they warn't *my* ways. I allus allowed that ef thet child waz in harkenin' distance o' the reach o' my call, she'd hear me. I mout have took other men to help me—men ez was sharp in them things, men ez was in that trade—but I didn't. And why?"

Olly intimated by an impatient shake of her head that she didn't know.

"Because she was that shy and skary with strangers. Ye disremember how shy she was, Olly, in them days, for ye was too young to notice. And then not bein' shy yourself, but sorter peart, free and promisskiss, ready and able to keep up your end of a conversation with anybody, and allus ez chipper as a jaybird—why ye don't kinder allow that fur Gracy as I do. And thar was reasons why that purty chile should be shy—reasons ye don't understand now, Olly, but reasons pow'ful and strong to sich a child as thet."

"Ye mean, Gabe," said the shamelessly direct Olly, "that she was bashful, hevin' ran away with her bo."

That perplexity which wiser students of human nature than Gabriel have experienced at the swift perception of childhood in regard to certain things left him speechless. He could only stare hopelessly at the little figure before him.

"Well wot did *you* do, Gabe! Go on!" said Olly, impatiently.

Gabriel drew a long breath. "Thar bein' certing reasons why Gracy should be thet shy—reasons consarnin' propperty o' her deceased parients," boldly invented Gabriel, with a lofty ignoring of Olly's baser suggestion, "I reckoned that she should get the first word from *me* and not from a stranger. I knowed she warnt in Californy, or she'd hev seen them handbills I issued five years ago. What did I do? Thar is a paper wots printed in New York, called the *Herald*. Thar is a place in that thar paper whar they print notisses to people that is fur, fur away. They is precious words from fathers to their sons, from husbands to their wives, from brothers to sisters ez can't find each other, from——"

"From sweethearts to thar bo's," said Olly, briskly, "I know."

Gabriel paused in speechless horror.

"Yes," continued Olly. "They calls 'em 'Personals.' Lord! *I* know all 'bout them. Gals gets bo's by them, Gabe!"

Gabriel looked up at the bright, arching vault above him. Yet it did not darken nor split into fragments. And he hesitated. Was it worth while to go on? Was there anything he could tell this terrible child—his own sister—which she did not already know better than he?

"I wrote one o' them Pursonals," he went on to say, doggedly, "in this ways." He paused, and fumbling in his waistcoat pocket finally drew out a well-worn newspaper slip, and straightening it with some care from its multitudinous enfoldings, read it slowly, and with that peculiar patronizing self-consciousness

which distinguishes the human animal in the rehearsal of its literary composition.

"Ef G. C. will communicate with sufferin' and anxious friends, she will confer a favor on ole Gabe. I will come and see her, and Olly will rise up and welcome her. Ef G. C. is sick or don't want to come she will write to G. C. G. C. is same as usual, and so is Olly. All is well. Address G. C., One Horse Gulch, Californy—till further notiss."

"Read it over again," said Olly.

Gabriel did so, readily.

"Ain't it kinder mixed up with them G. C.'s?" queried the practical Olly.

"Not for she," responded Gabriel, quickly, "that's just what July said when I showed her the 'Pursonal.' But I sed to her as I sez to you, it tain't no puzzle to Gracy. *She* knows ez our letters is the same. And ef it 'pears queer to strangers wots the odds? Thet's the idee ov a 'pursonal.' Howsomever its all right, Olly. Fur," he continued, lowering his voice confidentially, and drawing his sister closer to his side—*its bin ansered!*"

"By Grace?" asked Olly.

"No!" said Gabriel, in some slight confusion, "not by Grace, exactly—that is—but yer's the anser." He drew from his bosom a small chamois-skin purse, such as miners used for their loose gold, and extracted the more precious slip. "Read it," he said to Olly, turning away his head.

Olly eagerly seized and read the paper.

"G. C.—Look no more for the missing one who will never return. Look at home. Be happy. P. A."

Olly turned the slip over in her hands. "Is that

all," she asked in a higher key, with a rising indignation in her pink cheeks.

"Thet's all," responded Gabriel, "short and shy—that's Gracy, all over."

"Then all I got to say is it's mean!" said Olly, bringing her brown fist down on her knee. "And that's wot I'd say to that thar P. A.—that Philip Ashley—if I met him."

A singular look, quite unlike the habitual placid, good-humored expression of the man, crossed Gabriel's face as he quietly reached out and took the paper from Olly's hand.

"Thet's why I'm goin' off," he said, simply.

"Goin' off," repeated Olly.

"Goin' off—to the States. To New York," he responded, "July and me. July sez—and she's a peart sort o' woman in her way, ef not o' your kind, Olly," he interpolated apologetically, "but pow'ful to argyfy and plan, and she allows ez New York 'ud nat'rally be the stampin' ground o' sich a high-toned feller ez him. And that's why I want to talk to ye, Olly. Thars only two things ez 'ud ever part you and me, dear, and one on 'em ez this very thing—it's my dooty to Gracy, and the other ez my dooty to you. Et ain't to be expected that when you oughter be gettin' your edykation you'd be cavortin' round the world with me. And you'll stop yer at Sacramento in a A 1 first-class school, ontill I come back. Are ye hark'nin', dear?"

"Yes," said Olly, fixing her clear eyes on her brother.

"And ye ain't to worrit about me. And it 'ud be as well, Olly, ez you'd forget all 'bout this yer gulch, and the folks. Fur yer to be a lady, and in bein' thet

brother Gabe don't want ennythin' to cross ye. And I want to say to thet feller, Olly, 'ye aint to jedge this yer fammerly by me, fur the men o' that fammerly gin'rally speakin' runs to size, and ain't, so to speak, strong up yer,'" continued Gabriel, placing his hands on his sandy curls, "'but thar's a little lady in school in Californy ez is jest what Gracy would hev bin if she'd hed the schoolin'. And ef ye wants to converse with her she kin giv you pints enny time.' And then I brings you up, and nat'rally I reckon thet you ain't goin' back on brother Gabe—in 'stronomy, Grammar, Rithmetic and them things."

"But wots the use of huntin' Grace ef she says she'll never return?" said Olly, sharply.

"Ye mustn't read them 'pursonals' ez ef they was square. They're kinder conundrums, ye know—puzzles. It says G. C. will never return. Well, 'spose G. C. has another name. Don't you see?"

"Married, may be," said Olly, clapping her hands.

"Surely," said Gabriel, with a slight color in his cheeks. "Thet's so."

"But spose it doesn't mean Grace after all," persisted Olly.

Gabriel was for a moment staggered.

"But July sez it does," he answered, doubtfully.

Olly looked as if this evidence was not entirely satisfactory.

"But what does 'look at home' mean?" she continued.

"Thet's it," said Gabriel, eagerly. "Thet reads 'Look at little Olly—ain't she there?' And thet's like Gracy—allus thinkin' o' somebody else."

"Well," said Olly, "I'll stop yer, and let you go. But wot are *you* goin' to do without me?"

Gabriel did not reply. The setting sun was so nearly level with his eyes that it dazzled them, and he was fain to hide them among the clustering curls of Olly, as he held the girl's head in both his hands. After a moment he said,

"Do ye want to know why I like this old cabin and this yer chimbly, Olly?"

"Yes," said Olly, whose eyes were also affected by the sun, and who was glad to turn them to the object indicated.

"It ain't because you and me hez sot there many and many a day, fur thet's suthin that we ain't goin' to think about any more. It's because, Olly, the first lick I ever struck with a pick on this hill was just yer. And I raised this yer chimbly with the rock. Folks thinks thet it was over yonder in the slope whar I struck the silver lead, thet I first druv a pick. But it warnt. And I sometimes think, Olly, thet I've had as much square comfort outer thet first lick ez I'll ever git outer the lead yonder. But come, Olly, come! July will be wonderin' whar you is, and ther's a stranger yonder comin' up the road, and I reckon I ain't ez fine a lookin' bo ez a young lady ez you ez, orter to co-mand. Never mind, Olly, he needn't know ez you and me is any relashuns. Come!"

In spite of Gabriel's precautionary haste, the stranger who was approaching by the only trail which led over the rocky hill side, perceived the couple, and turned toward them interrogatively. Gabriel was forced to stop, not however without first giving a slight reassuring pressure to Olly's hand.

"Can you tell me the way to the hotel—the Grand Conroy House I think they call it," the traveler asked, politely.

He would have been at any time an awe-inspiring and aggressive object to One Horse Gulch and to Gabriel, and at this particular moment he was particularly discomposing. He was elaborately dressed, buttoned and patent-leather booted in the extreme limit of some by-gone fashion, and had the added effrontery of spotless ruffled linen. As he addressed Gabriel he touched a tall black hat, sacred in that locality to clergymen and gamblers. To add to Gabriel's discomfiture, at the mention of the Grand Conroy House, he had felt Olly stiffen aggressively under his hand.

"Foller this yer trail to the foot of the hill, and ye'll strike Main street, that'll fetch yer thar. I'd go with ye a piece, but I'm imployed," said Gabriel, with infinite tact and artfulness, accenting each word with a pinch of Olly's arm—"imployed by this yer young lady's friends to see her home, and bein' a partikler sort o' fammerly, they raises hell when I don't come reg'lar. Axin' your parding, don't they Miss?" And to stop any possible retort from Olly before she could recover from her astonishment he had hurried her into the shadows of the evergreen pines of Conroy Hill.

CHAPTER II.

Transient Guests at the Grand Conroy.

THE Grand Conroy Hotel was new, and had the rare virtue of comparative cleanliness. As yet the odors of by-gone dinners, and forgotten suppers, and long-dismissed breakfasts had not possessed and permeated its halls and passages. There was no distinctive flavor of preceding guests in its freshly clothed-and papered-rooms. There was a certain virgin coyness about it, and even the active ministration of Mrs. Markle and Sal was delicately veiled from the public by the interposition of a bar-keeper and Irish waiter. Only to a few of the former *habitués* did these ladies appear with their former frankness and informality. There was a public parlor, glittering with gilt-framed mirrors and gorgeous with red plush furniture, which usually froze the geniality of One Horse Gulch, and repressed its larger expression, but there was a little sitting-room beyond sacred to the widow and her lieutenant Sal, where visitors were occasionally admitted. Among the favored few who penetrated this arcana was Lawyer Maxwell. He was a widower and was supposed to have a cynical distrust of the sex, that was at once a challenge to them and a source of danger to himself.

Mrs. Markle was of course fully aware that Mrs. Conroy had been Maxwell's client, and that it was while on a visit to him she had met with the accident that resulted in her meeting with Gabriel. Unfortunately Mrs. Markle was unable to entirely satisfy herself if there had been any previous acquaintance. Maxwell

had declared to her that to the best of his knowledge there had been none, and that the meeting was purely accidental. He could do this without violating the confidence of his client, and it is fair to presume that upon all other matters he was loyally uncommunicative. That Madame Devarges had consulted him regarding a claim to some property was the only information he imparted. In doing this however he once accidentally stumbled, and spoke of Mrs. Devarges as "Grace Conroy." Mrs. Markle instantly looked up. "I mean Mrs. Conroy," he said, hastily. "Grace—that was his sister who was lost—wasn't it?" "Yes," replied Maxwell, demurely, "did he ever talk much to you about her?" "No-o," said Mrs. Markle, with great frankness, "he and me only talked on gin'ral topics; but from what Olly used to let on, I reckon that sister was the only woman he ever loved." Lawyer Maxwell, who with an amused recollection of his extraordinary interview with Gabriel in regard to the woman before him, was watching her mischievously, suddenly became grave. "I guess you'll find, Mrs. Markle, that his present wife amply fills the place of his lost sister," he said, more seriously than he had intended. "Never," said Mrs. Markle, quickly, "Not she—the designin', crafty hussy!" "I am afraid you are not doing her justice," said Maxwell, wiping away a smile from his lips, after his characteristic habit, "but then it's not strange that two, bright, pretty women are unable to admire each other. What reason have you to charge *her* with being designing?" he asked again, with a sudden return of his former seriousness. "Why, her marryin' him," responded Mrs. Markle, frankly, "look at that simple, shy, bashful

critter, do you suppose he'd marry her—marry any woman—that didn't throw herself at his head? eh?" Mrs. Markle's pique was so evident that even a philosopher like Maxwell could not content himself with referring it to the usual weakness of the sex. No man cares to have a woman exhibit habitually her weakness for another man, even when he possesses the power of restraining it. He answered somewhat quickly as he raised his hand to his mouth to wipe away the smile that however did not come. "But suppose that you—and others—are mistaken in Gabriel's character. Suppose all this simplicity and shyness is a mask. Suppose he is one of the most perfect and successful actors on or off the stage. Suppose he should turn out to have deceived everybody—even his present wife!"—and lawyer Maxwell stopped in time.

Mrs. Markle instantly fired. "Suppose fiddlesticks and flap-jacks! I'd as soon think o' suspectin' thet child," she said, pointing to the unconscious Marty. "You lawyers are allus suspectin' what you can't understand!" She paused as Maxwell wiped his face again. "What do you mean anyway—why don't yer speak out? What do you know of him?"

"Oh, nothing! Only it's as fair to say all this of him as of her—on about the same evidence. For instance, here's a simple ignorant fellow"——

"He ain't ignorant," interrupted Mrs. Markle, sacrificing argument to loyalty.

"Well, this grown up child! He discovers the biggest lead in One Horse Gulch, and manages to get the shrewdest financier in California to manage it for him, and that too after he has snatched up an heiress and a pretty woman before the rest of 'em got a sight

of her. That may be simplicity; but my experience of guilelessness is that, ordinarily, it isn't so lucky."

"They won't do him the least good, depend upon it," said Mrs. Markle, with the air of triumphantly closing the argument.

It is very possible that Mrs. Markle's dislike was sustained and kept alive by Sal's more active animosity, and the strict *espionage* that young woman kept over the general movements and condition of the Conroys. Gabriel's loneliness, his favorite haunt on the hillside, the number and quality of Mrs. Conroy's visitors, even fragments of conversation held in the family circle were all known to Sal, and re-delivered to Mrs. Markle with Sal's own coloring. It is possible that most of the gossip concerning Mrs. Conroy already hinted at had its origin in the views and observations of this admirable young woman, who did not confine her confidences entirely to her mistress. And when one day a stranger and guest, staying at the Grand Conroy House, sought to enliven the solemnity of breakfast by social converse with Sal regarding the Conroys, she told him nearly everything that she had already told Mrs. Markle.

I am aware that it is alleged that some fascinating quality in this stranger's manner and appearance worked upon the susceptible nature and loosened the tongue of this severe virgin, but beyond a certain disposition to minister personally to his wants, to hover around him archly with a greater quantity of dishes than that usually offered the transient guest, and to occasionally expatiate on the excellence of some extra viand, there was really no ground for the report. Certainly, the guest was no ordinary man; was quite un-

like the regular *habitués* of the house, and perhaps to some extent justified this favoritism. He was young, sallow-faced, with very white teeth and skin, yellow hands, and a tropical, impulsive manner, which Miss Sarah Clark generally referred to as "Eyetalian." I venture to transcribe something of his outward oral expression.

"I care not greatly for the flapjack, nor yet for the dried apples," said Victor, whom the intelligent reader has at once recognized, "but a single cup of coffee sweetened by those glances and offered by those fair hands—which I kiss!—are to me enough. And you think that the Meestrees Conroy does not live happily with her husband. Ah! you are wise, you are wise, Mees Clark, I would not for much money find myself under these criticism, eh?"

"Well, eyes bein' given to us to see with by the Lord's holy will, and it ain't for weak creetures like us to misplace our gifts or magnify 'em," said Sal, in shrill, bashful confusion, allowing an underdone fried egg to trickle from the plate on the coat-collar of the unconscious Judge Beeswinger, "I do say when a woman sez to her husband, ez she's sworn to honor and obey, 'this yer's *my* house, and this yer's *my* land, and yer kin git,' thar ain't much show o' happiness thar. Ef it warn't for hearin' this with my own ears, bein' thar accidental like, and in a sogial way, I wouldn't hev believed it. And she allowin' to be a lady, and afeared to be civil to certin folks ez is ez good as she and far better, and don't find it necessary to git married to git a position—and could hev done it a thousand times over ef so inclined. But folks is various and self praise is open disgrace. Let me recommend them

beans. The pork, ez we allus kills ourselves fur the benefit o' transient gests, bein' a speciality."

"It is of your kindness, Mees Clark, I am already full. And of the pork I touch not, it is an impossibility," said Victor, showing every tooth in his head, "It is much painful to hear of this sad, sad affair. It is bad—and yet you say he has riches—this man. Ah! the what is the world. See, the great manner it has treated those! No, I will not more. I am sufficient now. Ah! eh! what have we here?"

He lowered his voice and eyes as a stranger—the antique dandy Gabriel had met on Conroy's hill the evening before, rose from some unnoticed seat at a side table, and unconcernedly moved away. Victor instantly recognized the card player of San Antonio, his former chance acquaintance of Pacific-street, and was filled with a momentary feeling of suspicion and annoyance. But Sal's *sotto voce* reply that the stranger was a witness attending court seemed to be a reasonable explanation, and the fact that the translator did not seem to recognize him promptly relieved his mind. When he had gone Sal returned to her confidences: "Ez to his riches, them ez knows best hez their own say o' that. Thar was a party yer last week—gents ez was free with their money, and not above exchanging the time o' day with working folk, and though it ain't often ez me or Sue Markle dips into conversation with entire strangers, yet," continued Sal, with parenthetical tact and courtesy, "Eyetalians,—furriners in a strange land bein' an exception—and them gents let on that thet vein o' silver on Conroy's hill hed been surveyed and it wazent over a foot wide, and would be played out afore a month longer, and thet old Peter Dumphy

knowed it, and hed sold out, and thet thet's the reason Gabriel Conroy was goin' off—jest to be out o' the way when the killapse comes."

"Gabriel! going away, Mees Sal? this is not possible!" ejaculated the fascinating guest, breathing very hard, and turning all his teeth in a single broadside upon the susceptible handmaid. At any other moment, it is possible that Sal might have been suspicious of the stranger's excitement, but the fascination of his teeth held and possessed this fluttering virgin. "Ef thar ever waz a man ez hed an angelic smile," she intimated afterwards in confidence to Mrs. Markle, "it waz thet young Eyetalian." She handed him several dishes, some of them empty, in her embarrassment, and rejoined with an affectation of arch indignation. "Thank ye fur sayin' 'I lie,'—and it's my pay fur bein' a gossip and ez good ez I send—but thar's Olympy Conroy packed away to school fur six months, and thar's the new superintendent ez is come up to take Gabriel's situation, and he a sittin' in a gray coat next to ye a minit ago! Eh? And ye won't take nothin' more? Appil or cranbear' pie?—our own make? I'm afeerd ye ain't made out a dinner!" But Victor had already risen hurriedly and departed, leaving Sal in tormenting doubt whether she had not in her coquettish indignation irritated the tropical nature of this sensitive Italian. "I orter allowed fur his bein' a fur-riner and not bin so free. Pore young man! I thought he did luk tuk back when I jest allowed that he said I lied." And with a fixed intention of indicating her forgiveness and good will the next morning by an extra dish, Sal retired somewhat dejectedly to the pantry. She made a point, somewhat later, of dusting the hall

in the vicinity of Victor's room, but was possibly disappointed to find the door open, and the tenant absent. Still later, she imparted some of this interview to Mrs. Markle with a certain air of fatigued politeness and a suggestion that, in the interest of the house solely, she had not repressed perhaps as far as maidenly pride and strict propriety demanded, the somewhat extravagant advances of the stranger. "I'm sure," she added briskly, "why he kept a lookin' and a talkin' at me in that way, mind can't consave, and transients did notiss. And if he did go off mad, why, he kin git over it." Having thus delicately conveyed the impression of an ardent Southern nature checked in its exuberance, she became mysteriously reticent and gloomy.

It is probable that Miss Clark's theory of Gabriel's departure was not original with her or entirely limited to her own experience. A very decided disapprobation of Gabriel's intended trip was prevalent in the gulches and bar-room. He quickly lost his late and hard-earned popularity; not a few questioned his moral right to leave One Horse Gulch until its property was put beyond a financial doubt in the future. The men who had hitherto ignored the proposition that he was in any way responsible for the late improvement in business, now openly condemned him for abandoning the position they declared he never had. The *Silveropolis Messenger* talked vaguely of the danger of "changing superintendents" at such a moment, and hinted that the stock of the company would suffer. The rival paper—for it was found that the interests of the town required a separate and distinct expression—had an editorial on "absenteeism," and spoke, crushingly, of

those men, who having enriched themselves out of the resources of One Horse Gulch, were now seeking to dissipate that wealth in the excesses of foreign travel.

Meanwhile, the humble object of this criticism, oblivious in his humility of any public interest in his movements or intentions, busied himself in preparations for his departure. He had refused the offer of a large rent for his house from the new superintendent, but had retained a trusty servant to keep it with a view to the possible return of Grace. "Ef thar mout ever come a young gal yer lookin' fur me," he said privately to this servant, "yer not to ax any questions, partiklaly ef she looks sorter shy and bashful, but ye'll gin her the best room in the house, and send to me by igspress, and ye needn't say anythin' to Mrs. Conroy about it." Observing the expression of virtuous alarm on the face of the domestic—she was a married woman of some comeliness who was not living with her husband on account of his absurdly jealous disposition—he added hastily, "She's a young woman o' propuppy ez hez troubil about it, and wishes to be kep' secret," and having in this way thoroughly convinced his handmaid of the vileness of his motives and the existence of a dark secret in the Conroy household, he said no more, but paid a flying visit to Olly, secretly, packed away all the remnants of his deceased mother's wardrobe, cut, (God knows for what purpose,) small patches from the few old dresses that Grace had worn that were still sacredly kept in his wardrobe, and put them in his pocket-book; wandered in his usual lonely way on the hill-side, and spent solitary hours in his deserted cabin; avoided the sharp advances of Mrs. Markle, who once aggressively met him in his long post-prandial walks,

as well as the shy propinquity of his wife, who would fain have delayed him in her bower, and so having after the fashion of his sex made the two women who loved him exceedingly uncomfortable, he looked hopefully forward to the time when he should be happy without either.

CHAPTER III.

In which Mr. Dumphy takes a Holiday.

It was a hot day on the California coast. In the memory of the oldest American inhabitant its like had not been experienced, and although the testimony of the Spanish Californian was deemed untrustworthy where the interests of the American people were concerned, the statement that for sixty years there had been no such weather was accepted without question. The additional fact, vouchsafed by Don Pedro Peralta, that the great earthquake which shook down the walls of the Mission of San Juan Bautista had been preceded by a week of such abnormal meteorology, was promptly suppressed as being of a quality calculated to check immigration. Howbeit, it was hot. The usual afternoon trade-winds had pretermitted their rapid, panting breath, and the whole coast lay, as it were, in the hush of death. The evening fogs that always had lapped the wind-abraded surfaces of the bleak seaward hills were gone too; the vast Pacific lay still and glassy, glittering, but intolerable. The outlying sand dunes, unmitigated by any breath of air, blistered the feet and faces of chance pedestrians. For once the broad verandas, piazzas and balconies of San Francisco cot-

tage architecture were consistent and serviceable. People lingered upon them in shirt-sleeves, with all the exaggeration of a novel experience. French windows, that had always been barred against the fierce afternoon winds, were suddenly thrown open; that brisk, energetic step, with which the average San Franciscan hurried to business or pleasure, was changed to an idle, purposeless lounge. The saloons were crowded with thirsty multitudes, the quays and wharves with a people who had never before appreciated the tonic of salt air; the avenues leading over the burning sand-hills to the ocean all day were thronged with vehicles. The numerous streets and by-ways, abandoned by their great scavenger, the wind, were foul and ill-smelling. For twenty-four hours, business was partly forgotten; as the heat continued and the wind withheld its customary tribute, there were some changes in the opinions and beliefs of the people; doubts were even expressed of the efficacy of the climate; a few heresies were uttered regarding business and social creeds, and Mr. Dumphy and certain other financial magnates felt vaguely that if the thermometer continued to advance the rates of interest must fall correspondingly.

Equal to even this emergency, Mr. Dumphy had sat in his office all the morning, resisting with the full strength of his aggressive nature any disposition on the part of his customers to succumb financially to the unusual weather. Mr. Dumphy's shirt-collar was off; with it seemed to have departed some of his respectability, and he was perhaps, on the whole, a trifle less imposing than he had been. Nevertheless he was still dominant, in the suggestion of his short bull neck, and two visitors who entered, observing the *déshabillé*

of this great man, felt that it was the proper thing for them to instantly unbutton their own waistcoats and loosen their cravats.

"It's hot," said Mr. Pilcher, an eminent contractor.

"You bet!" responded Mr. Dumphy. "Must be awful on the Atlantic coast! People dying by hundreds of sunstroke; that's the style out there. Here, there's nothing of the kind! A man stands things here that he couldn't there."

Having thus re-established the supremacy of the California climate, Mr. Dumphy came directly to business. "Bad news from One Horse Gulch!" he said, quickly.

As that was the subject his visitors came to speak about,—a fact of which Mr. Dumphy was fully aware,—he added, sharply, "What do you propose?"

Mr. Pilcher, who was a large stockholder in the Conroy mine, responded hesitatingly, "We've heard that the lead opens badly."

"D——n bad!" interrupted Dumphy. "What do you propose?"

"I suppose," continued Mr. Pilcher, "the only thing to do is to get out of it before the news becomes known."

"No!" said Dumphy, promptly.

The two men stared at each other. "No!" he continued, with a quick, short laugh, which was more like a logical expression than a mirthful emotion. "No, we must hold on, sir! Look yer! there's a dozen men, as you and me know, that we could unload to to-morrow. Suppose we did? Well, what happens? They go in on four hundred thousand—that's about the figures we represent. Well. They begin to examine and

look around; them men, Pilcher,"—(in Mr. Dumphy's more inspired moods he rose above considerations of the English grammar)—"them men want to know what that four hundred thousand's invested in; they ain't goin' to take our word after we've got their money—that's human nature,—and in twenty-four hours they find they're sold! That don't look well for me nor you—does it?"

There was not the least assumption of superior honor or integrity—indeed, scarcely any self-consciousness or sentiment of any kind, implied in this speech,—yet it instantly affected both of these sharp business men, who might have been suspicious of sentiment, with an impression of being both honorable and manly. Mr. Pilcher's companion, Mr. Wyck, added a slight embarrassment to his reception of these great truths, which Mr. Dumphy noticed.

"No," he went on; "what we must do is this: Increase the capital stock just as much again. That will enable us to keep everything in our hands—news and all—and if it should leak out afterwards, we have half a dozen others with us to keep the secret. Six months hence will be time to talk of selling; just now, buying is the thing! You don't believe it?—eh? Well! Wyck, I'll take yours at the figure you paid. What do you say?—quick!"

Mr. Wyck, more confused than appeared necessary, declared his intention of holding on; Mr. Pilcher laughed. Mr. Dumphy barked behind his hand.

"That offer's open for ninety days—will you take it? No! Well, then, that's all!" and Mr. Dumphy turned again to his desk. Mr. Pilcher took the hint and drew Mr. Wyck away. "Devilish smart chap, that

Dumphy!" said Pilcher, as they passed out of the door. "An honest man, by ——," responded Wyck.

When they had gone Mr. Dumphy rang his bell. "Ask Mr. Jaynes to come and see me at once. D——n it, go now! You must get there before Wyck does. Run!"

The clerk disappeared. In a few moments Mr. Jaynes, a sharp but very youthful looking broker, entered the office parlor. "Mr. Wyck will want to buy back that stock he put in your hands this morning, Jaynes. I thought I'd tell you it's worth 50 advance now!"

The precocious youth grinned intelligently and departed. By noon of that day it was whispered that notwithstanding the rumors of unfavorable news from the Conroy mine, one of the heaviest stockholders had actually bought back, at an advance of \$50 per share, some stock he had previously sold. More than that, it was believed that Mr. Dumphy had taken advantage of these reports and was secretly buying. In spite of the weather, for some few hours there had been the greatest excitement.

Possibly from some complacency arising from this; possibly from some singular relaxing in the atmosphere, Mr. Dumphy at two o'clock shook off the cares of business and abandoned himself to recreation—refusing even to take cognizance of the card of one Colonel Starbottle, which was sent to him with a request for an audience. At half-past two he was behind a pair of fast horses, one of a carriage load of ladies and gentlemen, rolling over the scorching sand-hills towards the Pacific, that lay calm and cool beyond. As the well-appointed equipage rattled up the Bush-street hill,

many an eye was turned with envy and admiration toward it. The spectacle of two pretty women among the passengers was perhaps one reason, the fact that everybody recognized in the showy and brilliant driver, the celebrated Mr. Rollingstone, an able financier and rival of Mr. Dumphy's, was perhaps equally potent. For Mr. Rollingstone was noted for his "turnouts," as well as for a certain impulsive South Sea extravagance and picturesque hospitality which Dumphy envied and at times badly imitated. Indeed, the present excursion was one of Mr. Rollingstone's famous *fêtes champêtres*, and the present company was composed of the *élite* of San Francisco and made self-complacent and appreciative by an enthusiastic Eastern tourist.

Their way lay over shifting sand dunes, now motionless and glittering in the cruel, white glare of a California sky, only relieved here and there by glimpses of the blue bay beyond, and odd marine-looking buildings like shells scattered along the beach, as if they had been cast up and forgotten by some heavy tide. Further on, their road skirted the base of a huge solitary hill, broken in outline by an outcrop of grave-stones, sacred to the memory of worthy pioneers who had sealed their devotion to the "healthiest climate in the world" with their lives. Occasionally these grave-stones continued to the foot of the hill, where, struggling with the drifting sand, they suggested a half-exhumed Pompeii to the passing traveler. They were the skeletons at the feast of every San Francisco pleasure-seeker, the *memento mori* of every pic-nicing party, and were visible even from the broad verandas of the suburban pavilions, where the gay and thoughtless citizen ate, drank, and was merry. Part of the way

the busy avenue was parallel with another, up which even at such times occasionally crept the lugubrious procession of hearse and mourning coach to other pavilions, scarcely less crowded, where there were "funeral baked meats" and sorrow and tears. And beyond this again was the gray eternal sea, and at its edge, perched upon a rock and rising out of the very jaws of the gushing breakers, a stately pleasure dome—decreed by some speculative and enterprising San Francisco landlord—the excuse and terminus of this popular excursion.

Here Rollingstone drew up, and alighting, led his party into a bright, cheery room, whose windows gave upon the sea. A few other guests, evidently awaiting them, were mitigating their impatience by watching the uncouth gambols of the huge sea-lions, who, on the rocks beyond, offered a contrast to the engaging and comfortable interior that was at once pleasant and exciting. In the centre of the room a table overloaded with overgrown fruits and grossly large roses somewhat ostentatiously proclaimed the coming feast.

"Here we are!" said Mr. Dumphy, bustling into the room with that brisk, business-like manner which his friends fondly believed was frank cheerfulness, "and on time, too!" he added, drawing out his watch. "Inside of thirty minutes—how's that, eh?" He clapped his nearest neighbor on the back, who, pleased with this familiarity from a man worth five or six millions, did not stop to consider the value of this celerity of motion in a pleasure excursion on a hot day.

"Well!" said Rollingstone, looking around him, "you all know each other I reckon, or will soon. Mr. Dumphy, Mr. Poinsett, Mr. Pilcher, Mr. Dyce, Mr. Wyck,

Mrs. Sepulvida and Miss Rosey Ringround, gentlemen; Mr. and Mrs. Raynor of Boston. There, now, that's through! Dinner's ready. Sit down anywhere and wade in. No formality, gentlemen—this is California."

There was, perhaps, some advantage in this absence of ceremony. The guests almost involuntarily seated themselves according to their preferences, and Arthur Poinsett found himself beside Mrs. Sepulvida, while Mr. Dumphy placed Miss Ringround—a pretty though boyish-looking blonde, slangy in speech and fashionable in attire—on his right hand.

The dinner was lavish and luxurious, lacking nothing but restraint and delicacy. There was game in profusion, fat but flavorless. The fruits were characteristic. The enormous peaches were blowzy in color and robust in fibre, the pears were prodigious and dropsical and looked as if they wanted to be tapped; the strawberries were overgrown and yet immature—rather as if they had been arrested on their way to become pineapples; with the exception of the grapes, which were delicate in color and texture, the fruit might have been an ironical honoring by Nature of Mr. Dumphy's lavish drafts.

It is probable, however, that the irony was lost on the majority of the company, who were inclined to echo the extravagant praise of Mr. Raynor, the tourist. "Wonderful! wonderful!" said that gentleman, "if I had not seen this I wouldn't have believed it. Why that pear would make four of ours."

"That's the way we do things here," returned Dumphy, with the suggestion of being personally responsible for these abnormal growths. He stopped

suddenly, for he caught Arthur Poinsett's eye. Mr. Dumphy ate little in public, but he was at that moment tearing the wing of a grouse with his teeth, and there was something so peculiar and characteristic in the manner that Arthur looked up with a sudden recollection in his glance. Dumphy put down the wing, and Poinsett resumed his conversation with Mrs. Sepulvida. It was not of a quality that interruption seriously impaired; Mrs. Sepulvida was a charming but not an intellectual woman, and Mr. Poinsett took up the lost thread of his discourse quite as readily from her eyes as her tongue. "To have been consistent Nature should have left a race of giants here," said Mr. Poinsett, meditatively. "I believe," he added, more pointedly, and in a lower voice, "the late Don José was not a large man."

"Whatever he was, he thought a great deal of me!" pouted Mrs. Sepulvida. Mr. Poinsett was hastening to say that if "taking thought" like that could add a "cubit to one's stature," he himself was in a fair way to become a son of Anak, when he was interrupted by Miss Rosey. "What's all that about big men? There are none here. They're like the big trees, they don't hang around the coast much! You must go to the mountains for your Goliaths."

Emboldened quite as much by the evident annoyance of her neighbor as the amused look of Arthur Poinsett, she went on. "I have seen the pre-historic man!—the original athletic sharp! He is seven feet high, is as heavy as a sea-lion, and has shoulders like Tom Hyer. He slings an awful left. He's got blue eyes as tender as a seal's. He has hair like Samson before that woman went back on him. He's as brave as a lion and as

gentle as a lamb. He blushes like a girl or as girls used to; I wish I could start up such a color on even double the provocation."

Of course everybody laughed—it was the usual tribute to Miss Rosey's speech—the gentlemen frankly and fairly, the ladies perhaps a little doubtfully and fearfully. Mrs. Sepulvida, following the amused eyes of Arthur, asked Miss Rosey patronizingly where she had seen her phenomenon.

"O, it's no use, my dear, positively—no use. He's married. These phenomenons always get married. No, I didn't see him in a circus, Mr. Dumphy, nor in a menagerie, Mr. Dyce—but in a girls' school!"

Everybody stared; a few laughed as if this were an amusing introduction to some possible joke from Miss Rosey.

"I was visiting an old schoolmate at Madame Eclair's *Pension* at Sacramento; he was taking his little sister to the same school," she went on coolly, "so he told me. I love my love with a G. for he is Guileless and Gentle. His name is Gabriel, and he lives in a Gulch."

"Our friend, the superintendent—I'm blessed," said Dyer, looking at Dumphy.

"Yes—but not so very guileless," said Pilcher, "eh, Dyce?"

The gentlemen laughed; the ladies looked at each other and then at Miss Ringround. That fearless young woman was equal to the occasion.

"What have you got against my giant—out with it!"

"Oh nothing," said Mr. Pilcher, "only your guileless,

simple friend has played the sharpest game on record in Montgomery-street."

"Go on!" said Miss Rosey.

"Shall I?" asked Pilcher of Dumphy.

Dumphy laughed his short laugh. "Go on."

Thus supported, Mr. Pilcher assumed the ease of a graceful *raconteur*. "Miss Rosey's guileless friend, ladies and gentlemen, is the superintendent and shareholder in a certain valuable silver mine in which Dumphy is largely represented. Being about to leave the country and anxious to realize on his stock, he contracted for the sale of a hundred shares at \$1000 each, with our friend Mr. Dyce, the stocks to be delivered on a certain date—ten days ago. Instead of the stock, that day comes a letter from Conroy—a wonderful piece of art—simple, ill-spelled, and unbusiness-like, saying, that in consequence of recent disappointment in the character and extent of the lead, he shall not hold Dyce to his contract, but will release him. Dyce, who has already sold that identical stock at a pretty profit, rushes off to Dumphy's broker, and finds two hundred shares held at \$1200. Dyce smells a large-sized rat, writes that he shall hold Gabriel to the performance of his contract, makes him hand over the stock, delivers it in time, and then loads up again with the broker's 200 at \$1200 *for a rise*. That rise don't come—won't come—for that sale was *Gabriel's too*—as Dumphy can tell you. There's guilelessness! There's simplicity! And it cleared a hundred thousand by the operation."

Of the party none laughed more heartily than Arthur Poinsett. Without analyzing his feelings he was conscious of being greatly relieved by this positive

evidence of Gabriel's shrewdness. And when Mrs. Sepulvida touched his elbow and asked if this were not the squatter who held the forged grant, Arthur, without being conscious of any special meanness, could not help replying with unnecessary significance that it was. "I believe the whole dreadful story that Doña Dolores told me," said she, "how he married the woman who personated his sister, and all that—the deceitful wretch."

"I've got that letter here," continued Mr. Pilcher, drawing from his pocket a folded sheet of letter paper. "It's a curiosity. If you'd like to see the documentary evidence of your friend's guilelessness, here it is," he added, turning to Miss Ringround.

Miss Rosey took the paper defiantly and unfolded it, as the others gathered round her, Mr. Dumphy availing himself of that opportunity to lean familiarly over the arm of her chair. The letter was written with that timid, uncertain ink, peculiar to the illiterate effort, and suggestive of an occasional sucking of the pen in intervals of abstraction or difficult composition. Saving that characteristic, it is reproduced literally below:

I Hoss Gulch,
Argus the 10th.

DEAR SIR: On acount of thar heving ben bad Luck in the Leed witch has droped, I rite thes few lins hopping you air Well. I have to say we are disapinted in the Leed, it is not wut we thought it was witch is wy I rite thes few lins. now sir purheps you ixpict me to go on with our contrak, and furniss you with 100 shars at 1 Thousin dolls pur shar. It issint wuth no 1 Thousin dolls pur shar, far frummit. No sir, it issint, witch is wy I rite you thes few lins, and

it Woddent be Rite nor squar for me to tak it. This is to let you off Mister Dyce, and hopin it ant no trub-bil to ye, fur I shuddint sell atal things lookin this bad it not bein rite nor squar, and hevin' tor up the kontrak atween you and me. So no more at pressen from yours respectfully

G. CONROY.

P.S. You might mind my sayin to you about my sister witch is loss sens 1849. If you happind to com acrost any Traks of hers, me bein' away, you can send the sam to me in Care of Wels Farko & Co., New York Citty, witch is a grate favor and will be pade sure.

G. C.

"I don't care what you say, that's an honest letter," said Miss Rosey, with a certain decision of character new to the experience of her friends, "as honest and simple as ever was written. You can bet your pile on that."

No one spoke, but a smile of patronizing superiority and chivalrous toleration was exchanged by all the gentlemen except Poinsett. Mr. Dumphy added to his smile his short characteristic bark. At the reference to the writer's sister Mrs. Sepulvida shrugged her pretty shoulders and looked doubtingly at Poinsett. But to her great astonishment that gentleman reached across the table, took the letter, and having glanced over it, said positively, "You are right, Miss Rosey, it is genuine."

It was characteristic of Poinsett's inconsistency that this statement was as sincere as his previous assent to the popular suspicion. When he took the letter in his

hand, he at once detected the evident sincerity of its writer, and as quickly recognized the quaint honesty and simply nature of the man he had known. It was Gabriel Conroy, all over. More than that, he even recalled an odd memory of Grace in this frank directness and utter unselfishness of the brother who so plainly had never forgotten her. That all this might be even reconcilable with the fact of his marriage to the woman who had personated the sister, Arthur easily comprehended. But that it was his own duty, after he had impugned Gabriel's character, to make any personal effort to clear it was not so plain. Nevertheless he did not answer Mrs. Sepulvida's look, but walked gravely to the window, and looked out upon the sea. Mr. Dumphy who, with the instincts of jealousy, saw in Poinsett's remark only a desire to ingratiate himself with Miss Rosey, was quick to follow his lead. "It's a clear case of *quien sabe* anyway," he said to the young lady, "and maybe you're right. Joe, pass the champagne."

Dyce and Pilcher looked up inquiringly at their leader, who glanced meaningly toward the open mouthed Mr. Raynor, whose astonishment at this sudden change in public sentiment was unbounded.

"But look here," said that gentleman, "bless my soul! if this letter is genuine, your friends here—these gentlemen—have lost a hundred thousand dollars! Don't you see? If this news is true, and this man's information is correct, the stock really isn't worth—"

He was interrupted by a laugh from Messrs. Dyce and Pilcher.

"That's so. It would be a devilish good thing on Dyce!" said the latter good-humoredly. "And as I'm

in myself about as much again, I reckon I should take the joke about as well as he."

"But," continued the mystified Mr. Raynor, "do you really mean to say that you have any idea this news is true?"

"Yes," responded Pilcher, coolly. "Yes," echoed Dyce, with equal serenity. "You do?" "We do." The astonished tourist looked from the one to the other with undisguised wonder and admiration, and then turned to his wife. Had she heard it? Did she fully comprehend that here were men accepting and considering an actual and present loss of nearly a quarter of a million of dollars, as quietly and indifferently as if it were a postage stamp? What superb coolness! What magnificent indifference! What supreme and royal confidence in their own resources. Was this not a country of gods? All of which was delivered in a voice that although pitched to the key of matrimonial confidence was still entirely audible to the gods themselves.

"Yes, gentlemen," continued Pilcher; "it's the fortune of war. T'other man's turn to-day, ours to-morrow. Can't afford time to be sorry in this climate. A man's born again here every day. Move along and pass the bottle."

What was that?

Nothing apparently, but a rattling of windows and shaking of the glasses—the effect of a passing carriage or children running on the piazza without. But why had they all risen with a common instinct, and with faces bloodless and eyes fixed in horrible expectancy? These were the questions which Mr. and Mrs. Raynor asked themselves hurriedly, unconscious of danger, yet with a vague sense of alarm at the terror so plainly

marked upon the countenances of these strange, self-poised people, who, a moment before, had seemed the incarnation of reckless self-confidence, and inaccessible to the ordinary annoyances of mortals. And why were these other pleasure seekers rushing by the windows, and was not that a lady fainting in the hall? Arthur was the first to speak and tacitly answer the unasked question.

"It was from East to West," he said, with a coolness that he felt was affected, and a smile that he knew was not mirthful. "It's over now I think." He turned to Mrs. Sepulvida, who was very white. "You are not frightened. Surely this is nothing new to you. Let me help you to a glass of wine."

Mrs. Sepulvida took it with a hysterical little laugh. Mrs. Raynor, who was now conscious of a slight feeling of nausea, did not object to the same courtesy from Mr. Pilcher, whose hand shook visibly as he lifted the champagne. Mr. Dumphy returned from the doorway, in which to his own and everybody's surprise he was found standing, and took his place at Miss Rosey's side. The young woman was first to recover her reckless hilarity. "It was a judgment on you for slandering nature's noblest specimen," she said, shaking her finger at the capitalist. Mr. Rollingstone, who had returned to the head of his table, laughed.

"But *what* was it?" gasped Mr. Raynor, making himself at last heard above the somewhat pronounced gayety of the party.

"An Earthquake," said Arthur quietly.

CHAPTER IV.

Mr. Dumphy has News of a Domestic Character.

"AN earthquake," echoed Mr. Rollingstone, cheerfully to his guests, "now you've had about everything we have to show. Don't be alarmed, madam," he continued to Mrs. Raynor, who was beginning to show symptoms of hysteria, "nobody ever was hurt by 'em."

"In two hundred years there hasn't been as many persons killed by earthquakes in California as are struck by lightning on your coast in a single summer," said Mr. Dumphy. "Never have 'em any stronger than this," said Mr. Pilcher, with a comforting suggestion of there being an absolute limitation of nature's freaks on the Pacific coast.

"Over in a minute, as you see," said Mr. Dumphy, "and—hello! what's that?"

In a moment they were on their feet, pale and breathless again. This time Mr. Raynor and his wife among the number. But it was only a carriage—driving away,

"Let us adjourn to the piazza," said Mr. Dumphy, offering his arm to Mrs. Raynor with the air of having risen solely for that purpose. Mr. Dumphy led the way, and the party followed with some celerity. Mrs. Sepulvida hung back a moment with Arthur, and whispered:

"Take me back as soon as you can!"

"You are not seriously alarmed?" asked Arthur.

"We are too near the sea here," she replied, looking toward the ocean with a slight shudder. Don't ask

questions now," she added a little sharply. "Don't you see these Eastern people are frightened to death, and they may overhear."

But Mrs. Sepulvida had not long to wait, for in spite of the pointed asseverations of Messrs. Pilcher, Dyce, and Dumphy, that earthquakes were not only harmless but absolutely possessed a sanitary quality, the piazzas were found deserted by the usual pleasure seekers, and even the eloquent advocates themselves betrayed some impatience to be once more on the open road. A brisk drive of an hour put the party again in the highest spirits, and Mr. and Mrs. Raynor again into the condition of chronic admiration and enthusiasm.

Mrs. Sepulvida and Mr. Poinsett followed in an open buggy behind. When they were fairly upon their way Arthur asked an explanation of his fair companion's fear of the sea. "There is an old story," said Doña Maria, "that the Point of Pines—you know where it is Mr. Poinsett—was once covered by a great wave from the sea that followed an earthquake. But tell me, do you really think that letter of this man Conroy's true?"

"I do," said Arthur promptly.

"And that—there—is—a—prospect—that—the—stock of this big mine may—de—pre—ciate in value?"

"Well—possibly—yes!"

"And if you knew that I had been foolish enough to put a good deal of money in it, you would still talk to me as you did the other day,—down there?"

"I should say," responded Arthur, changing the reins to his left hand that his right might be free for some purpose—goodness knows what! "I should say

that I am more than ever convinced that you ought to have some person to look after you."

What followed this remarkable speech I really do not know how to reconcile with the statement that Mrs. Sepulvida made to the Doña Dolores a few chapters ago, and I therefore discreetly refrain from transcribing it here. Suffice it to say that the buggy did not come up with the *char-à-banc* and the rest of the party until long after they had arrived at Mr. Dumphy's stately mansion on Rincon Hill, where another costly and elaborate collation was prepared. Mr. Dumphy evidently was in spirits, and had so far overcome his usual awe and distrust of Arthur, as well as the slight jealousy he had experienced an hour or so before, as to approach that gentleman with a degree of cheerful familiarity that astonished and amused the self-sustained Arthur—who perhaps at that time had more reason for his usual conceit than before. Arthur, who knew, or thought he knew that Miss Ringwood was only coquetting with Mr. Dumphy for the laudable purpose of making the more ambitious of her sex miserable, and that she did not care for his person or position, was a good deal amused at finding the young lady the subject of Mr. Dumphy's sudden confidences. "You see, Poinsett, as a man of business I don't go as much into society as you do, but she seems to be a straight up and down girl, eh?" he queried, as they stood together in the vestibule after the ladies had departed. It is hardly necessary to say that Arthur was positive and sincere in his praise of the young woman. Mr. Dumphy by some obscure mental process, taking much of the praise to himself, was highly elated and perhaps tempted to a greater vinous indulgence than was his

habit. Howbeit the last bottle of champagne seemed to have obliterated all past suspicion of Arthur, and he shook him warmly by the hand. "I tell ye what now, Poinsett, if there are any points I can give you don't you be afraid to ask for 'em. I can see what's up between you and the widow—honor, you know—all right, my boy—she's in the Conroy lode pretty deep, but I'll help her out and you too—d—n me! You've got a good thing there—Poinsett—and I want you to realize. We understand each other, eh? You'll find me a square man with my friends, Poinsett—d—n me. Pitch in—pitch in!—my advice to you is to just pitch in and marry the widow. She's worth it—you can realize on her—you can by G—d. You see you and me's—so to speak—ole pards, eh? You rek'leck ole times on Sweetwater, eh? Well—if you mus' go, goo'-bi! I s'pose she's waitin' for ye. Look you, Poinsey, d'ye see this yer posy in my button-hole? She give it to me. Rosy did! eh? G—d strike me dead if she didn't, ha! ha! Won't tak' nothin' drink? Lesh open n'or bo'll. No? Goori!" until struggling between disgust, amusement and self-depreciation Arthur absolutely tore himself away from the great financier and his degrading confidences.

When Mr. Dumphy staggered back into his drawing-room, a servant met him with a card. "The genl'man says it's very important business, and he must see you to-night," he said hastily, anticipating the oath and indignant protest of his master. "He says it's your business, sir, and not his. He's been waiting here since you came back, sir." Mr. Dumphy took the card. It bore the inscription in pencil, "Col. Starbottle, Siskiyou, on important business." Mr. Dumphy

reflected a moment. The magical word "business" brought him to himself. "Show him in—in the office," he said savagely, and retired thither.

Anybody less practical than Peter Dumphy would have dignified the large showy room in which he entered as the Library. The rich mahogany shelves were filled with a heterogenous collection of recent books, very fresh, very new and glaring as to binding and subject; the walls were hung with files of newspapers and stock reports. There was a velvet-lined cabinet containing minerals—all of them gold or silver bearing. There was a map of an island that Mr. Dumphy owned—there was a marine view, with a representation of a steamship also owned by Mr. Dumphy. There was a momentary relief from these facts in a very gorgeous and badly painted picture of a tropical forest and sea beach, until inquiry revealed the circumstance that the sugar house in the corner under a palm tree was "run" by Mr. Dumphy, and that the whole thing could be had for a bargain.

The stranger who entered was large and somewhat inclined to a corpulency that was, however, restrained in expansion by a blue frock coat, tightly buttoned at the waist, which had the apparent effect of lifting his stomach into the higher thoracic regions of moral emotion—a confusion to which its owner lent a certain intellectual assistance. The Colonel's collar was very large, open and impressive; his black silk neckerchief loosely tied around his throat, occupying considerable space over his shirt front and expanding through the upper part of a gilt-buttoned white waistcoat, lent itself to the general suggestion that the Colonel had burst his sepals and would flower soon.

Above this unfolding the Colonel's face, purple, aquiline-nosed, throttled looking as to the eye, and moist and sloppy looking as to the mouth, uptilted above his shoulders. The Colonel entered with that tiptoeing celerity of step affected by men who are conscious of increasing corpulency. He carried a cane hooked over his forearm; in one hand a large white handkerchief, and in the other a broad-brimmed hat. He thrust the former gracefully in his breast, laid the latter on the desk where Mr. Dumphy was seated, and taking an unoffered chair himself, coolly rested his elbow on his cane in an attitude of easy expectancy.

"Say you've got important business?" said Dumphy. "Hope it is, sir—hope it is! Then out with it. Can't afford to waste time any more here than at the Bank. Come! What is it?"

Not in the least affected by Mr. Dumphy's manner, whose habitual brusqueness was intensified to rudeness, Col. Starbottle drew out his handkerchief, blew his nose carefully, returned apparently only about two inches of the cambric to his breast, having the rest displayed like a ruffled shirt, and began with an airy gesture of his fat white hand.

"I was here two hours ago, sir, when you were at the—er—festive board. I said to the boy, 'don't interrupt your master. A gentleman worshipping at the shrine of Venus and Bacchus and attended by the muses and immortals, don't want to be interrupted.' Ged sir, I knew a man in Lousiana—Hank Pinckney—shot his boy—a likely yellow boy worth a thousand dollars—for interrupting him at a poker party—and no ladies present! And the boy only coming in to say that the gin house was in flames. Perhaps you'll

say an extreme case. Know a dozen such—blank me! So I said, ‘Don’t interrupt him, but when the ladies have risen, and Beauty, sir, no longer dazzles and er-gleams, and the table round no longer echoes the er-light jest, then er-spot him! And over the deserted board, with er-social glass between us, your master and I will have our little confab.’” He rose, and before the astonished Dumphy could interfere, crossed over to a table where a decanter of whiskey and a caraffe of water stood, and filling a glass half-full of liquor, reseated himself and turned it off with an easy yet dignified inclination toward his host.

For once only Mr. Dumphy regretted the absence of dignity in his own manner. It was quite evident that his usual brusqueness was utterly ineffective here, and he quickly recognized in the Colonel the representative of a class of men well known in California, from whom any positive rudeness would have provoked a demand for satisfaction. It was not a class of men that Mr. Dumphy had been in the habit of dealing with, and he sat filled with impotent rage, but wise enough to restrain its verbal expression, and thankful that none of his late guests were present to witness his discomfiture. Only one good effect was due to his visitor, Mr. Dumphy through baffled indignation and shame had become sober.

“No sir,” continued Col. Starbottle, setting his glass upon his knee, and audibly smacking his large lips. “No sir. I waited in the er-ante-chamber until I saw you part with your guests—until you bade er-adieu to a certain fair nymph—Ged, sir, I like your taste, I do, blank me, and I call myself a judge of fine women—Blank it all, I said to myself, sir ‘Blank it all, Star,

you ain't goin' to pop out upon a man just as he's ministering to Beauty and putting a shawl upon a pair of alabaster shoulders like that!' Ha! ha! Ged, sir, I remembered myself that in '43 in Washington at a party at Tom Benton's I was in just such a position, sir. 'Are you never going to get that cloak on, Star?' she says to me—the blankest, most beautiful creature, the acknowledged belle of that whole winter—'43, sir—as a gentleman yourself, you'll understand why I don't particularize—'If I had my way, madam,' I said, 'I never would!' I did, blank me. But you're not drinking Mr. Dumphy, eh? A thimblefull, sir, to our better acquaintance."

Not daring to trust himself to speak, Mr. Dumphy shook his head somewhat impatiently, and Col. Starbottle rose. As he did so it seemed as if his shoulders had suddenly become broader and his chest distended until his handkerchief and white waistcoat protruded through the breast of his buttoned coat like a bursting grain of "pop corn." He advanced slowly and with deliberate dignity to the side of Dumphy.

"If I have intruded upon your privacy, Mr. Dumphy," he said with a stately wave of his white hand, "if, as I surmise, from your disinclination, sir, to call it by no other name, blank me, to exchange the ordinary convivial courtesies common between gentlemen, sir—you are disposed to resent any reminiscences of mine as reflecting upon the character of the young lady, sir, whom I had the pleasure to see in your company—if such be the case, sir, Ged!—I am ready to retire now, sir, and to give you to-morrow, or at any time, the satisfaction which no gentleman ever refuses another, and which Culpepper Starbottle has never been known

to deny! My card, sir, you have already; my address, sir, is St. Charles Hotel, where I and my friend, Mr. Dumphy, will be ready to receive you."

"Look here," said Mr. Dumphy in surly but sincere alarm, "I don't drink because I've been drinking. No offence, Mr. Starbottle. I was only waiting for you to open what you had on your mind in the way of business, to order up a bottle of *Cliquot* to enable us to better digest it. Take your seat, Colonel. I've—d—n that nigger! Bring champagne and two glasses." He rose, and under pretence of going to the side-board, added in a lower tone to the servant who entered, "Stay within call, and in about ten minutes bring me some important message from the Bank—you hear? A glass of wine with you, Colonel. Happy to make your acquaintance! Here we go!"

The colonel uttered a slight cough as if to clear away his momentary severity, bowed with gracious dignity, touched the glass of his host, drew out his handkerchief, wiped his mouth, and seated himself once more.

"If my object," he began with a wave of dignified depreciation, "were simply one of ordinary business, I should have sought you, sir, in the busy mart, and not among your Lares and Penates, nor in the blazing lights of the festive hall. I should have sought you at that temple which report and common rumor says that you, sir, as one of the favored sons of Fortune, have erected to her worship. In my intercourse with the gifted John C. Calhoun I never sought him, sir, in the gladiatorial arena of the Senate, but rather with the social glass in the privacy of his own domicile. Ged, sir, in my profession, we recognize—blank me!—some

blank quality in our relations even when professional with gentlemen that keeps us from approaching them like a blank yankee peddler with blank goods to sell!"

"What's your profession?" asked Mr. Dumphy.

"Until elected by the citizens of Siskiyou to represent them in the legislative councils I practiced at the bar. Since then I have been open occasionally to retainers in difficult and delicate cases. In the various intrigues that arise in politics, in the more complicated relations of the two sexes—in, I may say, the two great passions of mankind, Ambition and Love, my services have, I believe, been considered of value—blank me! It has been my office, sir, to help the steed of vaulting ambition er-er-over the fence, and to dry the er-tearful yet glowing cheek of Beauty. But for the necessity of honor and secrecy in my profession, blank it, sir, I could give you the names of some of the blankest elegant women, and some of the first—the very first men in the land as the clients of Culpepper Starbottle."

"Very sorry," began Mr. Dumphy, "but if you're expecting to put me among your list of clients, I—"

Without taking the least notice of Dumphy's half-turned sneer, Col. Starbottle interrupted him coolly: "Ged, sir!—it's out of the question, I'm retained on the other side."

The sneer instantly faded from Dumphy's face, and a look of genuine surprise took its place.

"What do you mean?" he said curtly.

Col. Starbottle drew his chair beside Dumphy, and leaning familiarly over his desk took Mr. Dumphy's own penholder and persuasively emphasized the points

of his speech upon Mr. Dumphy's arm with the blunt end. "Blank me, sir, when I say retained by the other side, blank it, it doesn't keep me, blank me, from doing the honorable thing with the defendant—from recognizing a gentleman and trying to settle this matter as between gentlemen."

"But d—n it, what's all this about. Who is your plaintiff?" roared Dumphy, forgetting himself in his rage.

"Ged, sir—it's a woman, of course. Don't think I'm accusing you of any political ambition. Ha! ha! No sir. You're like me! it's woman—lovely woman—I saw it at a glance! Gentlemen like you and me—blank it—don't go through to fifty years without giving some thought to these dear little creatures. Blank me, sir, I despise a man who did. It's the weakness of a great man, sir."

Mr. Dumphy pushed his chair back with the grim deliberation of a man who had at last measured the strength of his adversary and was satisfied to risk an encounter. "Look here Col. Starbottle, I don't know or care who your plaintiff is. I don't know or care how she may have been deceived or wronged or disappointed or bamboozled, or what is the particular game that's up now. But you're a man of the world, you say, and as a man of the world and a man of sense, you know that no one in my position ever puts himself in any woman's power. I can't afford it! I don't pretend to be better than other men, but I ain't a d—n fool. That's the difference between me and your clients!"

"Yes—but blank it, my boy, that *is* the difference! Don't you see? In other cases the woman's a blank

beautiful woman, a blank charming creature, you know. Gad, sometimes she's as proper and pious as a blank nun, but—then the relations you see, ain't legal! But blank it all, my boy—this is—YOUR WIFE!”

Mr. Dumphy with colorless cheeks, tried to laugh a reckless scornful laugh. “My wife is dead!”

“A mistake—Ged, sir!—a most miserable mistake. Understand me. I don't say that she hadn't ought to be! Ged, sir, from the look that that little blue-eyed hussy gave you an hour ago—there ain't much use of another woman around, but the fact is that she *is* living—blank it! You thought she was dead, and left her up there in the snow. She goes so far as to say—you know how these women talk, Dumphy, Gad, sir, they'll say anything when they get down on a man—she says it ain't your fault if she wasn't dead! Eh? Sho?”

“A message, sir, business of the Bank, very important,” said Dumphy's servant, opening the door.

“Get!” said Dumphy with an oath.

“But, sir, they told me sir—”

“D—n you, get! will you!” roared Dumphy.

The door closed on his astonished face. “It's all a—a—mistake,” said Dumphy when he had gone. “They died of starvation—all of them—while I was away hunting help. D—n it, I've read the accounts.”

Col. Starbottle slowly drew from some vast moral elevation in his breast pocket a well-worn paper. It proved when opened to be a faded, blackened, and bethumbed document in Spanish. “Here is the report of the Commander of the Presidio who sent out the expedition. You read Spanish? Well. The bodies of all the other women were identified except your

wife's. Blank it, my boy, why, don't you see why she was excepted? She wasn't there."

The Colonel darted a fat forefinger at his host and then drew back, and settled his purpled chin and wattled cheeks conclusively in his enormous shirt collar. Mr. Dumphy sank back in his chair at the contact as if the finger of Fate had touched him.

CHAPTER V.

Mrs. Conroy has an unexpected Visitor.

THE hot weather had not been confined to San Francisco. San Pablo Bay had glittered, and the yellow currents of the San Joaquin and Sacramento glowed sullenly with a dull sluggish lava-like flow. No breeze stirred the wild oats that drooped on the western slope of the Contra Costa hills; the smoke of burning woods on the Eastern hill-sides rose silently and steadily; the great wheat fields of the intermediate valleys clothed themselves humbly in dust and ashes. A column of red dust accompanied the Wingdam and One Horse Gulch stage-coach, a pillar of fire by day as well as by night, and made the fainting passengers look longingly toward the snow-patched Sierras beyond. It was hot in California; few had ever seen the like, and those who had were looked upon as enemies of their race. A rashly scientific man of Murphy's Camp who had a theory of his own, and upon that had prophesied a continuance of the probable recurrence of the earthquake shock, concluded he had better leave the settlement until the principles of meteorology were better recognized and established. It was hot in One Horse Gulch—in the oven-like

Gulch, on the burning sands and scorching bars of the river. It was hot even on Conroy's Hill, among the calm shadows of the dark-green pines—on the deep verandas of the Conroy *cottage orné*. Perhaps this was the reason why Mrs. Gabriel Conroy, early that morning after the departure of her husband for the mill, had evaded the varnished and white-leaded heats of her own house and sought the more fragrant odors of the sedate pines beyond the hill-top. I fear however that something was due to a mysterious note which had reached her clandestinely the evening before, and which, seated on the trunk of a prostrate pine, she was now re-perusing.

I should like to sketch her as she sat there. A broad-brimmed straw hat covered her head, that although squared a little too much at the temples for shapeliness was still made comely by the good taste with which—aided by a crimping-iron—she had treated her fine-spun electrical blonde hair. The heat had brought out a delicate dewy color in her usually pale face, and had heightened the intense nervous brightness of her vivid gray eyes. From the same cause probably her lips were slightly parted, so that the rigidity that usually characterized their finely chiseled outlines was lost. She looked healthier; the long flowing skirts which she affected, after the fashion of most *petite* women, were gathered at a waist scarcely as sylph-like and unsubstantial as that which Gabriel first clasped after the accident in the fateful cañon. She seemed a trifle more languid—more careful of her personal comfort, and spent some time in adjusting herself to the inequalities of her uncouth seat with a certain pouting peevishness of manner that was quite

as new to her character as it was certainly feminine and charming. She held the open note in her thin, narrow, white-tipped fingers, and glanced over it again with a slight smile. It read as follows:

"At ten o'clock I shall wait for you at the hill near the Big Pine! You shall give me an interview if you know yourself well. I say beware! I am strong for I am injured!—*Victor.*"

Mrs. Conroy folded the note again, still smiling, and placed it carefully in her pocket. Then she sat patient, her hands clasped lightly between her knees, the parasol open at her feet—the very picture of a fond, confiding tryst. Then she suddenly drew her feet under her sideways with a quick, nervous motion and examined the ground carefully with sincere distrust of all artful lurking vermin who lie in wait for helpless womanhood. Then she looked at her watch.

It was five minutes past the hour. There was no sound in the dim, slumbrous wood, but the far-off sleepy caw of a rook. A squirrel ran impulsively half-way down the bark of the nearest pine and catching sight of her tilted parasol, suddenly flattened himself against the bark, with outstretched limbs, a picture of abject terror. A bounding hare came upon it suddenly and had a palpitation of the heart that he thought he really never should get over. And then there was a slow crackling in the underbrush as of a masculine tread, and Mrs. Conroy picking up her terrible parasol, shaded the cold fires of her gray eyes with it and sat calm and expectant.

A figure came slowly and listlessly up the hill. When within a dozen yards of her, she saw it was *not* Victor. But when it approached nearer she suddenly started to her feet with pallid cheeks and an exclama-

tion upon her lips. It was the Spanish translator of Pacific Street. She would have flown, but on the instant he turned and recognized her with a cry, a start and a passion equal to her own. For a moment they stood glaring at each other breathless but silent!

"Devarges!" said Mrs. Conroy in a voice that was scarcely audible. "Good God!"

The stranger uttered a bitter laugh! "Yes! Devarges!—the man who ran away with you—Devarges the traitor! Devarges the betrayer of your husband. Look at me! You know me—Henry Devarges! Your husband's brother!—your old accomplice—your lover—your dupe!"

"Hush," she said imploringly glancing around through the dim woods, "for God's sake, hush!"

"And who are you," he went on without heeding her, "which of the Mesdames Devarges is it now? Or have you taken the name of the young sprig of an officer for whom you deserted me, and maybe in turn married? Or did he refuse you even that excuse for your perfidy? Or is it the wife and accomplice of this feeble minded Conroy? What name shall I call you? Tell me quick! Oh, I have much to say, but I wish to be polite, madame; tell me to whom I am to speak!"

Despite the evident reality of his passion and fury there was something so unreal and grotesque in his appearance—in his antique foppery, in his dyed hair, in his false teeth, in his padded coat, in his thin strapped legs, that this relentless woman cowered before him in very shame, not of her crime but of her accomplice! "Hush," she said, "call me your friend; I am always your friend, Henry! Call me anything, but let me go from here. In God's sake, do you hear?"

not so loud! Another time and another place I will listen," and she drew slowly back, until, scarce knowing what he did she had led him away from the place of rendezvous toward the ruined cabin. Here she felt she was at least safe from the interruption of Victor. "How came you here? how did you find what had become of me? where have you been these long years!" she asked hastily.

Within the last few moments she had regained partially the strange power that she always exerted over all men except Gabriel Conroy. The stranger hesitated and then answered in a voice that had more of hopelessness than bitterness in its quality. "I came here six years ago, a broken, ruined and disgraced man. I had no ambition but to hide myself from all who had known me, from that brother whose wife I had stolen, and whose home I had broken up—from you—you Julie! you and your last lover—from the recollection of your double treachery!" He had raised his voice here but was checked by the unflinching eye and cautionary gesture of the woman before him. "When you abandoned me in St. Louis, I had no choice but death or a second exile. I could not return to Switzerland, I could not live in the sickening shadow of my crime and its bitter punishment. I came here. My education, my knowledge of the language stood me in good stead, I might have been a rich man, I might have been an influential one, but I only used my opportunities for the bare necessities of life and the means to forget my trouble in dissipation. I became a drudge by day, a gambler by night. I was always a gentleman. Men thought me crazy, an enthusiast, but they learned to respect me. Traitor as

I was in a larger trust, no one doubted my honor or dared to approach my integrity. But bah! what is this to you! You!"

He would have turned from her again in very bitterness, but in the act he caught her eye, and saw in it, if not sympathy, at least a certain critical admiration, that again brought him to her feet. For despicable as this woman was, she was pleased at this pride in the man she had betrayed, was gratified at the sentiment that lifted him above his dyed hair and his pitiable foppery, and felt a certain honorable satisfaction in the fact that even after the lapse of years, he had proved true to her own intuitions of him.

"I had been growing out of my despair, Julie," he went on sadly, "I was, or believed I was forgetting my fault, forgetting even *you*—when there came to me the news of my brother's death—by starvation. Listen to me, Julie! one day there came to me for translation a document, revealing the dreadful death of him—your husband!—my brother!—do you hear?—by starvation. Driven from his home by shame, he had desperately sought to hide himself as I had—accepted the hardship of emigration—he a gentleman and a man of letters—with the boors and rabble of the plains, had shared their low trials and their vulgar pains, and died among them, unknown and unrecorded."

"He died as he had lived," said Mrs. Conroy, passionately, "a traitor and a hypocrite; he died following the fortunes of his paramour, an uneducated, vulgar rustic to whom dying, he willed a fortune—this girl—Grace Conroy. Thank God I have the record! Hush!—what's that?"

Whatever it was—a falling bough, or the passing

of some small animal in the underbrush—it was past now. A dead silence enwrapped the two solitary actors; they might have been the first man and the first woman so encompassed were they by nature and solitude.

“No,” she went on hurriedly in a lower tone, “it was the same old story—the story of that girl at Basle—the story of deceit and treachery which brought us first together, which made you Henry, my friend, which turned our sympathies into a more dangerous passion! You have suffered. Ah, well, so have I. We are equal now.”

Henry Devarges looked speechlessly upon his companion. Her voice trembled, there were tears in her eyes, that had replaced the burning light of womanly indignation. He had come there knowing her to have been doubly treacherous to her husband and himself. She had not denied it. He had come there to tax her with an infamous imposture, but had found himself within the last minute glowing with sympathetic condemnation of his own brother, and ready to accept the yet unoffered and perfectly explicable theory of that imposture. More than that, he began to feel that his own wrongs were slight in comparison with the injuries received by this superior woman. The woman who endeavors to justify herself to her jealous lover, always has a powerful ally in his own self-love, and Devarges was quite willing to believe that even if he had lost her love he had never at least been deceived. And the answer to the morality of this imposture was before him. Here was she married to the surviving brother of the girl she had personated. Had he—had Dr. Devarges ever exhibited as noble trust, as perfect

appreciation of her nature and sufferings. Had they not thrown away the priceless pearl of this woman's love, through ignorance and selfishness? You and I, my dear sir, who are not in love with this most reprehensible creature, will be quick to see the imperfect logic of Henry Devarges, but when a man constitutes himself accuser, judge, and jury of the woman he loves, he is very apt to believe he is giving a verdict when he is only entering a *nolle prosequi*. It is probable that Mrs. Conroy had noticed this weakness in her companion, even with her preoccupied fears of the inopportune appearance of Victor, whom she felt she could have accounted for much better in his absence. Victor was an impulsive person, and there are times when this quality, generally adored by a self-restrained sex, is apt to be confounding.

"Why did you come here to see me?" asked Mrs. Conroy, with a dangerous smile. "Only to abuse me?"

"There is another grant in existence for the same land that you claim as Grace Conroy or Mrs. Conroy," returned Devarges, with masculine bluntness, "a grant given prior to that made to my brother Paul. A suspicion that some imposture has been practised is entertained by the party holding the grant, and I have been requested to get at the facts."

Mrs. Conroy's gray eyes lightened. "And how were these suspicions aroused?" "By an anonymous letter." "And you have seen it?" "Yes—both it and the handwriting in portions of the grant are identical." "And you know the hand?" "I do—it is that of a man, now here, an old Californian—Victor Ramirez!" He fixed his eyes upon her; unabashed she turned her own clear glance on his, and asked with a dazzling smile, "But

does not your client know that, whether this grant is a forgery or not, my husband's title is good?" "Yes, but the sympathies of my client, as you call *her*, are interested in the orphan girl Grace."

"Ah!" said Mrs. Conroy, with the faintest possible sigh, "your client, for whom you have traveled—how many miles?—is a woman?"

Half-pleased, but half-embarrassed, Devarges said, "Yes."

"I understand," said Mrs. Conroy, slowly. "A young woman, perhaps, a good, a *pretty* one! And you have said, 'I will prove this Mrs. Conroy an impostor,' and you are here. Well! I do not blame you. You are a man. It is well perhaps it is so."

"But Julie, hear me!" interrupted the alarmed Devarges.

"No more!" said Mrs. Conroy, rising and waving her thin white hand, "I do not blame you. I could expect—I deserve—no more! Go back to your client, sir, tell her that you have seen Julie Devarges the impostor. Tell her to go on and press her claim, and that you will assist her. Finish the work that the anonymous letter-writer has begun, and earn your absolution for your crime and my folly. Get your reward—you deserve it—but tell her to thank God for having raised up to her better friends than Julie Devarges ever possessed in the heyday of her beauty! Go! Farewell. No! let me go, Henry Devarges, I am going to my husband. He at least has known how to forgive and protect a friendless and erring woman."

Before the astonished man could recover his senses, elusive as a sunbeam, she had slipped through his fingers and was gone. For a moment only he followed

the flash of her white skirt through the dark aisles of the forest, and then the pillared trees, crowding in upon each other, hid her from view.

Perhaps it was as well, for a moment later Victor Ramirez, flushed, wild-eyed, disheveled and panting, stumbled blindly upon the trail, and blundered into Devarges' presence. The two men eyed each other in silence. "A hot day for a walk," said Devarges, with an ill-concealed sneer. "Vengeance of God!—you are right—it is," returned Victor, "and you?" "Oh, I have been fighting flies! Good day!"

CHAPTER VI.

Gabriel discards his Home and Wealth.

I AM sorry to say that Mrs. Conroy's expression as she fled was not entirely consistent with the grieved and heart-broken manner with which she just closed the interview with Henry Devarges. Something of a smile lurked about the corners of her thin lips as she tripped up the steps of her house, and stood panting a little with the exertion in the shadow of the porch. But here she suddenly found herself becoming quite faint, and entering the apparently empty house passed at once to her boudoir, and threw herself exhaustedly on the lounge with a certain peevish discontent at her physical weakness. No one had seen her enter; the Chinese servants were congregated in the distant wash-house. Her housekeeper had taken advantage of her absence to ride to the town. The unusual heat was felt to be an apology for any domestic negligence.

She was very thoughtful. The shock she had felt

on first meeting Devarges was past; she was satisfied she still retained an influence over him sufficient to keep him her ally against Ramirez, whom she felt she now had reason to fear. Hitherto his jealousy had only shown itself in vamping and bravado; she had been willing to believe him capable of offering her physical violence in his insane fury, and had not feared it, but this deliberately planned treachery made her tremble. She would see Devarges again; she would recite the wrongs she had received from the dead brother and husband, and in Henry's weak attempt to still his own conscience with that excuse, she could trust to him to keep Ramirez in check, and withhold the exposure until she and Gabriel could get away. Once out of the country she could laugh at them both; once away she could devote herself to win the love of Gabriel, without which she had begun to feel her life and schemes had been in vain. She would hurry their departure at once. Since the report had spread affecting the value of the mine, Gabriel, believing it true, had vaguely felt it his duty to stand by his doubtful claim and accept its fortunes, and had delayed his preparations. She would make him believe that it was Dumphy's wish that he should go at once; she would make Dumphy write him to that effect. She smiled as she thought of the power she had lately achieved over the fears of this financial magnate. She would do all this but for her physical weakness. She ground her teeth as she thought of it: that at such a time she should be—and yet a moment later a sudden fancy flashed across her mind, and she closed her eyes that she might take in its delusive sweetness more completely. It might be that it wanted

only this to touch his heart—some men were so strange—and if it were—oh, God!—she stopped.

What was that noise? The house had been very quiet, so still that she had heard a woodpecker tapping on its roof. But now she heard distinctly the slow, heavy tread of a man in one of the upper chambers, which had been used as a lumber room. Mrs. Conroy had none of the nervous apprehension of her sex in regard to probable ghosts or burglars—she had too much of a man's practical preoccupation for that, yet she listened curiously. It came again. There was no mistaking it now. It was the tread of the man with whom her thoughts had been busy—her husband.

What was he doing here? In the few months of their married life he had never been home before at this hour. The lumber room contained among other things the *disjecta membra* of his old mining life and experience. He may have wanted something. There was an old bag which she remembered he said contained some of his mother's dresses. Yet it was so odd that he should go there now. Any other time but this. A terrible superstitious dread—a dread that any other time she would have laughed to scorn, began to creep over her. Hark! he was moving. She stopped breathing.

The tread re-commenced. It passed into the upper hall and came slowly down the stairs, each step recording itself in her heart-beats. It reached the lower hall and seemed to hesitate; then it came slowly along toward her door, and again hesitated. Another moment of suspense and she felt she would have screamed. And then the door slowly opened and Gabriel stood before her.

In one swift, intuitive, hopeless look she read her fate. He knew all! And yet his eyes, except that they bore less of the usual perplexity and embarrassment with which they had habitually met hers, though grave and sad, had neither indignation nor anger. He had changed his clothes to a rough miner's blouse and trousers, and carried in one hand a miner's pack, and in the other a pick and shovel. He laid them down slowly and deliberately, and seeing her eyes fixed upon them with a nervous intensity, began apologetically:

"They contains, Ma'am, on'y a blanket and a few duds ez I allus used to carry with me. I'll open it ef you say so. But you know me, Ma'am, well enough to allow that I'd take nothin' outer this yer house ez I didn't bring inter it."

"You are going away," she said, in a voice that was not audible to herself, but seemed to vaguely echo in her mental consciousness.

"I be. Ef ye don't know why, Ma'am, I reckon ez you'll hear it from the same vyce ez I did. It's on'y the squar thing to say afore I go, ez it ain't my fault nor hiz'n. I was on the hill this mornin' in the ole cabin."

It seemed as if he had told her this before, so old and self-evident the fact appeared.

"I was sayin' I woz on the hill, when I heerd vyces, and lookin' out I seed you with a stranger. From wot ye know o' me and my ways, Ma'am, it ain't like me to listen to thet wot ain't allowed for me to hear. And ye might hev stood thar ontel now ef I hedn't seed a chap dodgin' round behind the trees spyin' and list'nin'. When I seed thet man I knowed him to be

a pore Mexican, whose legs I'd tended yer in the Gulch mor'n a year ago. I went up to him, and when he seed me he'd hev run. But I laid my hand onto him—and—he stayed!

There was something so unconsciously large and fine in the slight gesture of this giant's hand as he emphasized his speech, that even through her swiftly rising pride Mrs. Conroy was awed and thrilled by it. But the next moment she found herself saying—whether aloud or not she could not tell—"If he had loved me he would have killed him then and there."

"Wot thet man sed to me—bein' flustered and savage like, along o' bein' choked hard to keep him from singin' out and breakin' in upon you and thet entire stranger—ain't fur me to say. Knowin' him longer then I do, I reckon you suspect 'bout wot it was. That it ez the truth I read it in your face now Ma'am, ez I reckon I might hev read it off and on in many ways and vari's styles sens we've been yer together, on'y I waz thet weak and undecided yer."

He raised his hand to his forehead here, and with his broad palm appeared to wipe away the trouble and perplexity that had overshadowed it. He then drew a paper from his breast.

"I've draw'd up a little paper yer ez I'll hand over to Lawyer Maxwell makin' over back agin all ez I once hed o' you and all ez I ever expect to hev. For I don't agree with thet Mexican thet wot was gin' to Grace belongs to me. I allow ez she kin settle thet herself, ef she ever comes, and ef I know thet chile Ma'am, she ain't goin' to tech it with a two foot pole. We've allus bin simple folks Ma'am—though it ain't the squar thing to take me fur a sample—and onedicated and common, but thar ain't a Conroy ez lived

ez was ever pinte'd for money or ez ever took more outer the kompany's wages then his grub and his clothes."

It was the first time that he had ever asserted himself in her presence, and even then he did it half apologetically yet with an unconscious dignity in his manner that became him well. He reached down as he spoke and took up his pick and his bundle and turned to go.

"There is nothing then that you are leaving behind you?" she asked. He raised his eyes squarely to her's, "No," he said, simply, "Nothing."

Oh, if she could have only spoken! O had she but dared to tell him that he had left behind that which he could not take away, that which the mere instincts of his manhood, would have stirred him to tenderness and mercy, that which would have appealed to him through its very helplessness and youth. But she dared not. That eloquence which an hour before had been ready enough to sway the feelings of the man to whom she had been faithless and did not love, failed her now. In the grasp of her first and only hopeless passion this arch-hypocrite had lost even the tact of the simplest of her sex. She did not even assume an indifference! She said nothing; when she raised her eyes again he was gone.

She was wrong. At the front door he stopped, hesitated a moment, and then returned slowly and diffidently to the room. Her heart beat rapidly and then was still.

"Ye asked me jest now," he said falteringly, "ef thar was anything ez I was leavin' behind. Thar is—ef ye'll overlook my sayin' it. When you and me allowed to leave fur furrin parts, I reckoned to leave

thet housekeeper behind, and unbeknowed to ye I gin her some money and a charge. I tole her thet if ever thet dear chile—Sister Grace—came here, thet she should take her in and do by her ez I would and let me know. Et may be a heep to ask, but ef it tain't too much—I—shouldn't—like—yer—to turn—thet innocent unsuspectin' chile away from the house thet she might take to be mine. Ye needn't let on anythin' thet's gone—ye needn't tell her wot a fool I've been, but jest take her in and send for me. Lawyer Maxwell will gin ye my address."

The sting recalled her benumbed life. She rose with a harsh dissonant laugh and said, "Your wishes shall be fulfilled—if—" she hesitated a moment—"I am here."

But he did not hear the last sentence, and was gone.

CHAPTER VII.

What passed under the Pine and what remained there.

RAMIREZ was not as happy in his revenge as he had anticipated. He had, in an instant of impulsive rage, fired his mine prematurely, and as he feared impotently. Gabriel had not visibly sickened, faded, nor fallen blighted under the exposure of his wife's deceit. It was even doubtful, as far as Ramirez could judge from his quiet reception of the revelation, whether he would even call that wife to account for it. Again, Ramirez was unpleasantly conscious that this exposure had lost some of its dignity and importance by being wrested from him as a *confession* made under pressure or duress. Worse than all, he had lost the opportunity of previously threatening Mrs. Conroy with the disclosure, and the delicious spectacle of her dis-

comfiture. In point of fact his revenge had been limited to the cautious cowardice of the anonymous letter-writer, who, stabbing in the dark, enjoys neither the contemplation of the agonies of his victim, nor the assertion of his own individual power.

To this torturing reflection a terrible suspicion of the Spanish translator, Perkins, was superadded. For Gabriel, Ramirez had only that contempt which every lawless lover has for the lawful husband of his mistress, while for Perkins, he had that agonizing doubt which every lawless lover has for every other man but the husband. In making this exposure had he not precipitated a catastrophe as fatal to himself as the husband? Might they not both drive this woman into the arms of another man? Ramirez paced the little bedroom of the Grand Conroy hotel, a prey to that bastard remorse of all natures like his own—the overwhelming consciousness of opportunities for villainy misspent.

Come what might he would see her again and at once. He would let her know that he suspected her relations with this translator. He would tell her that he had written the letter—that he had forged the grant—that—

A tap at the door recalled him to himself. It opened presently to Sal, coy, bashful, and conscious. The evident agitation of this young foreigner had to Sal's matter-of-fact comprehension only one origin—a hopeless, consuming passion for herself. "Dinner hez bin done gone an hour ago," said that arch virgin, "but I put suthin' by for ye. Ye was inquiren' last night about them Conroys. I thought I'd tell ye thet Gabriel hez bin yer askin' arter Lawyer Maxwell—

which he's off to Sacramento—altho' one o' Sue Markle's most intymit friends and steddeyist boarders!"

But Mr. Ramirez had no ear for Gabriel now. "Tell to me, Mees Clark," he said, suddenly turning all his teeth on her, with gasping civility, "Where is this Señor Perkins, eh?"

"Thet shiny chap—ez looks like a old turned alpacker gownd!" said Sal, "thet man ez I can't abear," she continued, with a delicate maidenly suggestion that Ramirez need fear no rivalry from that quarter. "I don't mind—and don't keer to know. He hezn't bin yer since mornin'. I reckon he's up somewhar on Conroy's hill. All I know ez thet he sent a message yer to git ready his volise to put aboard the Wingdam stage to-night. Are ye goin' with him?"

"No," said Ramirez, curtly.

"Axin' yer parding for the question, but seein' ez he'd got booked for two places, I tho't ez maybe ye'd got tired o' plain mounting folks and mounting ways, and waz goin' with him," and Sal threw an arch yet reproachful glance at Ramirez.

"Booked for two seats," gasped Victor, "ah! for a lady, perhaps—eh, Mees Clark?—for a lady?"

Sal bridled instantly at what might have seemed a suggestion of impropriety on her part. "A lady—like his imperance—indeed! I'd like to know who'd demean theirselves by goin' with the like o' he! But you're not startin' out agin without your dinner, and it waitin' ye in the oven? No? La! Mr. Ramirez ye must be in luv! I've heerd tell ez it do take away the appetite; not knowin' o' my own experence—though it's little hez passed my lips these two days, and only when tempted."

But before Sal could complete her diagnosis, Mr. Ramirez gasped a few words of hasty excuse, seized his hat, and hurried from the room.

Leaving Sal a second time to mourn over the effect of her coquettish playfulness upon the sensitive Italian nature, Victor Ramirez, toiling through the heat and fiery dust shaken from the wheels of incoming teams, once more brushed his way up the long ascent of Conroy's Hill, and did not stop until he reached its summit. Here he paused to collect his scattered thoughts, to decide upon some plan of action, to control the pulse of his beating temples, quickened by excitement and the fatigue of the ascent, and to wipe the perspiration from his streaming face. He must see her at once, but how and where? To go boldly to her house would be to meet her in the presence of Gabriel, and that was no longer an object; besides if she were with this stranger it would not probably be there. By haunting this nearest umbrage to the house he would probably intercept them on their way to the Gulch, or overhear any other conference. By lingering here he would avoid any interference from Gabriel's cabin on the right, and yet be able to detect the approach of any one from the road. The spot that he had chosen was, singularly enough, in earlier days, Gabriel's favorite haunt for the indulgence of his noon-tide contemplation and pipe. A great pine, the largest of its fellows, towered in a little opening to the right, as if it had drawn apart for seclusion, and, obeying some mysterious attraction, Victor went toward it and seated himself on an abutting root at its base. Here a singular circumstance occurred, which at first filled him with superstitious fear. The handkerchief with which he had wiped his face—nay, his very shirt-front

itself—suddenly appeared as if covered with blood. A moment later he saw that the ensanguined hue was only due to the dust through which he had plunged, blending with the perspiration, that on the least exertion still started from every pore of his burning skin.

The sun was slowly sinking. The long shadow of Reservoir Ridge fell upon Conroy's Hill and seemed to cut down the tall pine that a moment before had risen redly in the sunlight. The sounds of human labor, slowly died out of the Gulch below, the far-off whistle of teamsters in the Wingdam road began to fail. One by one the red openings on the wooded hill-side opposite went out, as if Nature were putting up the shutters for the day. With the gathering twilight Ramirez became more intensely alert and watchful. Treading stealthily around the lone pine tree with shining eyes and gleaming teeth he might have been mistaken for some hesitating animal waiting for that boldness which should come with the coming night. Suddenly he stopped, and leaning forward peered into the increasing shadow. Coming up the trail from the town was a woman. Even at that distance and by that uncertain light, Ramirez recognized the flapping hat and ungainly stride. It was Sal—perdition! Might the devil fly away with her! But she turned to the right with the trail that wound toward Gabriel's hut and the cottage beyond, and Victor breathed, or rather panted, more freely. And then a voice at his very side thrilled him to his smallest fibre, and he turned quickly. It was Mrs. Conroy, white, erect, and truculent.

"What are you doing here?" she said, with a sharp, quick utterance.

"Hush!" said Ramirez, trembling with the passion

called up by the figure before him. "Hush! There is one who has just come up the trail."

"What do I care who hears me now. You have made caution unnecessary," she responded sharply, "All the world knows us now! and so I ask you again, what are *you* doing here."

He would have approached her nearer, but she drew back, twitching her long white skirt behind her with a single quick feminine motion of her hand as if to save it from contamination.

Victor laughed uneasily. "You have come to keep your appointment; it is not my fault if I am late."

"I have come here because, for the last half-hour I have watched you from my veranda, coursing in and out among the trees like a hound as you are! I have come to whip you off my land as I would a hound. But I have first a word or two to say to you as the man you have assumed to be."

Standing there with the sunset glow over her erect, graceful figure, in the pink flush of her cheek, in the cold fires of her eyes, in all the thousand nameless magnetisms of her presence, there was so much of her old power over this slave of passion, that the scorn of her words touched him only to inflame him, and he would have groveled at her feet could he have touched the thin three fingers that she warningly waved at him.

"You wrong me, Julie, by the God of Heaven. I was wild, mad this morning—you understand—for when I came to you I found you with another! I had reason, Mother of God, I had reason for my madness, reason enough, but I came in peace, Julie, I came in peace!"

"In peace," returned Mrs. Conroy scornfully, "your note was a peaceful one, indeed!"

"Ah! but I knew not how else to make you hear

me. I had news—news you understand, news that might save you, for I came from the woman who holds the grant. Ah! you will listen, will you not? For one moment only, Julie, hear me and I am gone!”

Mrs. Conroy with abstracted gaze leaned against the tree. “Go on,” she said coldly.

“Ah you will listen then!” said Victor joyfully, “and when you have listened you shall understand! Well: First I have the fact that the lawyer for this woman is the man who deserted the Grace Conroy in the mountains, the man who was called Philip Ashley, but whose real name is Poinsett.”

“Who did you say?” said Mrs. Conroy, suddenly stepping from the tree, and fixing a pair of cruel eyes on Ramirez.

“Arthur Poinsett—an ex-soldier, an officer. Ah, you do not believe—I swear to God it is so!”

“What has this to do with me,” she said, scornfully, resuming her position beside the pine. “Go on—or is this all?”

“No, but it is much. Look you! he is the affianced of a rich widow in the Southern Country, you understand? No one knows his past. Ah, you begin to comprehend. He does not dare to seek out the real Grace Conroy. He shall not dare to press the claim of his client. Consequently, he does nothing!”

“Is this all your news?”

“All!—ah no. There is one more, but I dare not speak it here,” he said, glancing craftily around through the slowly darkening wood.

“Then it must remain untold,” returned Mrs. Conroy, coldly, “for this is our last and only interview.”

“But Julie!”—

"Have you done?" she continued, in the same tone.

Whether her indifference was assumed or not, it was effective. Ramirez glanced again quickly around, and then said, sulkily. "Come nearer and I will tell you. Ah, you doubt—you doubt? Be it so." But seeing that she did not move he drew toward the tree and whispered, "Bend here your head—I will whisper it."

Mrs. Conroy, evading his outstretched hand, bent her head. He whispered a few words in her ear that were inaudible a foot from the tree.

"Did you tell this to him—to Gabriel?" she asked, fixing her eyes upon him, yet without change in her frigid demeanor.

"No!—I swear to you, Julie, no! I would not have told him anything, but I was wild, crazy. And he was a brute, a great bear. He held me fast, here, so! I could not move. It was a forced confession. Yes—Mother of God—by force!"

Luckily for Victor the darkness hid the scorn that momentarily flashed in the woman's eyes at this corroboration of her husband's strength, and the weakness of the man before her. "And is this all that you have to tell me?" she only said.

"All—I swear to you, Julie—all!"

"Then listen, Victor Ramirez," she said, swiftly stepping from the tree into the path before him, and facing him with a white and rigid face. "Whatever was your purpose in coming here, it has been successful! You have done all that you intended, and more! The man whose mind you came to poison—the man you wished to turn against me is gone!—has left me—left me never to return! He never loved me! Your exposure of me was to him a godsend, for

it gave him an excuse for the insults he has heaped upon me, for the treachery he has always hidden in his bosom!"

Even in the darkness she could see the self-complacent flash of Victor's teeth, could hear the quick, hurried sound of his breath as he bent his head toward her, and knew that he was eagerly reaching out his hand for hers. He would have caught her gesturing hand and covered it with kisses but that, divining his intention, without flinching from her position she whipped both her hands behind her.

"Well—you are satisfied! You have had your say and your way. Now I shall have mine. Do you suppose I came here to-night to congratulate you? No, I came here to tell you that insulted, outraged, and spurned as I have been by my husband, Gabriel Conroy—cast-off and degraded as I stand here to-night—*I love him!* Love him as I never loved any man before; love him as I never shall love any man again; love him as I hate you! Love him so that I shall follow him wherever he goes if I have to drag myself after him on my knees. His hatred is more precious to me than your love. Do you hear me, Victor Ramirez? That is what *I* came here to tell you! More than that—listen! The secret you have whispered to me just now, whether true or false, I shall take to him. *I* will help him to find his sister. I will make him love me yet if I sacrifice you, everybody, my own life, to do it! Do you hear that, Victor Ramirez, you dog!—you Spanish mongrel!—you half-breed bastard! O, grit your teeth there in the darkness—I know you—grit your teeth as you did to-day when Gabriel held you squirming under his thumb! It was a fine sight,

Victor—worthy of the manly Secretary who stole a dying girl's papers!—worthy of the valiant soldier who abandoned his garrison to a yankee peddler and his mule. Oh, I know you, sir, and have known you from the first day I made you my tool—my dupe! Go on, sir, go on—draw your knife, do! I am not afraid, coward! I shall not scream, I promise you! Come on!”

With an insane, inarticulate gasp of rage and shame he sprang toward her with an uplifted knife. But at the same instant she saw a hand reach from the darkness and fall swiftly upon his shoulder, saw him turn and with an oath struggle furiously in the arms of Devarges, and, without waiting to thank her deliverer, or learn the result of his interference, darted by the struggling pair and fled.

Possessed only by a single idea she ran swiftly to her home. Here she penciled a few hurried lines, and called one of her Chinese servants to her side. “Take this, Ah Fe, and give it to Mr. Conroy. You will find him at Lawyer Maxwell's, or if not there he will tell where he has gone. But you must find him. If he has left town already you must follow him. Find him within an hour and I'll double that”—she placed a gold piece in his hand. “Go, at once.”

However limited might have been Ah Fe's knowledge of the English language, there was an eloquence in the woman's manner that needed no translation. He nodded his head intelligently, said “me shabbe you—muchee quick,” caused the gold piece and the letter to instantly vanish up his sleeve, and started from the house in a brisk trot. Nor did he allow any incidental diversion to interfere with the business in hand. The noise of struggling in the underbrush on Conroy's hill, and a cry for help only extracted from

Ah Fe the response, "You muchee go-to-hellee—no foolee me!" as he trotted unconcernedly by. In half an hour he had reached Lawyer Maxwell's office. But the news was not favorable. Gabriel had left an hour before, they knew not where. Ah Fe hesitated a moment, and then ran quickly down the hill to where a gang of his fellow-countrymen were working in a ditch at the roadside. Ah Fe paused, and uttered in a high recitative a series of the most extraordinary ejaculations, utterly unintelligible to the few Americans who chanced to be working near. But the effect was magical; in an instant pick and shovel were laid aside, and before the astonished miners could comprehend it the entire gang of Chinamen had dispersed, and in another instant were scattered over the several trails leading out of One Horse Gulch, except one.

That one was luckily taken by Ah Fe. In half an hour he came upon the object of his search, seated on a boulder by the wayside, smoking his evening pipe. His pick, shovel, and pack lay by his side. Ah Fe did not waste time in preliminary speech or introduction. He simply handed the missive to his master, and instantly turned his back upon him and departed. In another half-hour every Chinaman was back in the ditch, working silently as if nothing had happened.

Gabriel laid aside his pipe and held the letter a moment hesitatingly between his finger and thumb. Then opening it, he at once recognized the small Italian hand with which his wife had kept his accounts and written from his dictation, and something like a faint feeling of regret overcame him as he gazed at it, without taking the meaning of the text. And then with the hesitation, repetition, and audible utterance of an illiterate person he slowly read the following:

"I was wrong. You have left something behind you—a secret that as you value your happiness, you must take with you. If you come to Conroy's Hill within the next two hours you shall know it, for I shall not enter that house again, and leave here to-night forever. I do not ask you to come for the sake of your wife, but for the sake of the woman she once personated. You will come because you love Grace, not because you care for JULIE."

There was but one fact that Gabriel clearly grasped in this letter. That was that it referred to some news of Grace. That was enough. He put away his pipe, rose, shouldered his pack and pick and deliberately retraced his steps. When he reached the town, with the shamefacedness of a man who had just taken leave of it forever, he avoided the main thoroughfare, but did this so clumsily and incautiously, after his simple fashion, that two or three of the tunnel-men noticed him ascending the hill by an inconvenient and seldom used by-path. He did not stay long, however, for in a short time—some said ten, others said fifteen minutes—he was seen again, descending rapidly and recklessly, and crossing the Gulch disappeared in the bushes, at the base of Bald Mountain!

With the going down of the sun that night, the temperature fell also, and the fierce, dry desert heat that had filled the land for the past few days fled away before a fierce wind which rose with the coldly rising moon, that during the rest of the night rode calmly over the twisting tops of writhing pines on Conroy's Hill, over the rattling windows of the town, and over the beaten dust of mountain roads. But even with the night the wind passed too, and the sun arose the next morning upon a hushed and silent landscape. It touched, according to its habit first the tall top of the giant pine on Conroy's Hill and then slid softly down its shaft until it reached the ground. And there it found Victor Ramirez, with a knife thrust through his heart, lying dead!

BOOK VI.

"THE DIP."

CHAPTER I.

Mr. Hamlin's Recreation continued.

WHEN Doña Dolores after the departure of Mrs. Sepulvida, missed the figure of Mr. Jack Hamlin from the plain before her window she presumed he had followed that lady and would have been surprised to have known that he was at that moment within her castle, drinking *aguardiente* with no less a personage than the solemn Don Juan Salvatierra. In point of fact, with that easy audacity which distinguished him, Jack had penetrated the court-yard, gained the hospitality of Don Juan without even revealing his name and profession to that usually ceremonious gentleman, and after holding him in delicious fascination for two hours, had actually left him lamentably intoxicated, and utterly oblivious of the character of his guest. Why Jack did not follow up his advantage by seeking an interview with the mysterious *Señora* who had touched him so deeply I cannot say, nor could he himself afterwards determine. A sudden bashfulness and timidity which he had never before experienced in his relations with the sex, tied his own tongue while Don Juan with the garrulity which inebriety gave to his, poured forth the gossip of the Mission and the household. It is possible also that a certain vague hopelessness, equally novel to Jack, sent him away, in lower spirits than he came. It is not remarkable that Doña Dolores knew nothing of the visit of this guest, until

three days afterwards, for during that time she was indisposed and did not leave her room, but it *was* remarkable that on learning it she flew into a paroxysm of indignation and rage that alarmed Don Juan and frightened her attendants. "And why was *I* not told of the presence of this strange *Americano*? Am I a child, holy St. Anthony! that I am to be kept in ignorance of my duty as the hostess of the Blessed Trinity or are you, Don Juan, my duenna? A brave *caballero*—who—I surmise from your description, is the same that protected me from insult at Mass last Sunday, and he is not to 'kiss my hand?' Mother of God! And his name—you have forgotten?" In vain Don Juan protested that the strange *caballero* had not requested an audience and that a proper maidenly spirit would have prevented the Doña from appearing, unsought. "Better that I should have been thought forward—and these *Americanos* are of a different habitude, my uncle—than that the Blessed Trinity should have been misrepresented by the guzzling of *aguardiente*!"

Howbeit, Mr. Hamlin had not found the climate of San Antonio conducive to that strict repose that his physician had recommended, and left it the next day with an accession of feverish energy that was new to him. He had idled away three days of excessive heat at Sacramento, and on the fourth, had flown to the mountains and found himself on the morning of the first cool day at Wingdam.

"Anybody here I know?" he demanded of his faithful henchman, as Pete brought in his clothes, freshly brushed for the morning toilette.

"No, sah!"

"Nor want to, eh?" continued the cynical Jack leisurely getting out of bed.

Pete reflected. "Dere is two o' dese yar Yeastern tourists—dem folks as is goin' round inspectin' de country—down in de parlor. Jess come over from de Big Trees. I reckon dey's some o' de same party—dem Frisco chaps—Mass Dumphy and de odders haz bin onloadin' to. Dey's mighty green, and de boys along de road has been fillin' em up. It's jess so much water on de dried apples dat Pete Dumphy's been shovin' into 'em." Jack smiled grimly. "I reckon you needn't bring up my breakfast Pete, I'll go down."

The party thus obscurely referred to by Pete, were Mr. and Mrs. Raynor who had been "doing" the Big Trees, under the intelligent guidance of a San Francisco editor, who had been deputed by Mr. Dumphy to represent Californian hospitality. They were exceedingly surprised, during breakfast by the entrance of a pale, handsome, languid gentleman, accurately dressed, whose infinite neatness, shamed their own bedraggled appearance, and who, accompanied by his own servant, advanced and quietly took a seat opposite the tourists and their guide. Mrs. Raynor at once became conscious of some negligence in her toilette and after a moment's embarrassment excused herself and withdrew. Mr. Raynor impressed with the appearance of the stranger telegraphed his curiosity by elbowing the editor who, however, for some reason best known to himself, failed to respond. Possibly he recognized the presence of the notorious Mr. Jack Hamlin in the dark-eyed stranger, and may have ample reasons for refraining from voicing the popular reputation of that gentleman before his face, or possibly he may have

been inattentive. Howbeit, after Mr. Hamlin's entrance he pretermitted the hymn of California praise and became reticent and absorbed in his morning paper. Mr. Hamlin waited for the lady to retire, and then calmly ignoring the presence of any other individual, languidly drew from his pocket a revolver and bowie knife and placing them in an easy habitual manner on either side of his plate, glanced carelessly over the table, and then called Pete to his side.

"Tell them," said Jack quietly, "that I want some *large* potatoes: ask them what they mean by putting those little things on the table. Tell them to be quick. Is your rifle loaded?"

"Yes, sah," said Pete promptly, without relaxing a muscle of his serious ebony face.

"Well—take it along with you."

But here the curiosity of Mr. Raynor who had been just commenting on the really enormous size of the potatoes, got the best of his prudence. Failing to make his companion respond to his repeated elbowings, he leaned over the table toward the languid stranger, "Excuse me, sir," he said politely, "but did I understand you to say that you thought these potatoes *small*—that there are really larger ones to be had?"

"It's the first time," returned Jack gravely, "that I ever was insulted by having a *whole* potato brought to me. I didn't know it was possible before. Perhaps in this part of the country the vegetables are poor. I'm a stranger to this section. I take it you are too. But because I am a stranger I don't see why I should be imposed upon."

"Ah, I see," said the mystified Raynor, "but if I might ask another question—you'll excuse me if I'm

impertinent—I noticed that you just now advised your servant to take his gun into the kitchen with him, surely!—”

“Pete,” interrupted Mr. Hamlin, languidly, “is a good nigger. I shouldn’t like to lose him! Perhaps you’re right—maybe I am a little over-cautious. But when a man has lost two servants by gun-shot wounds inside of three months it makes him careful.”

The perfect unconcern of the speaker, the reticence of his companion, and the dead silence of the room in which this extraordinary speech was uttered, filled the measure of Mr. Raynor’s astonishment, “God bless my soul! this is most extraordinary. I have seen nothing of this,” he said, appealing in dumb show to his companion.

Mr. Hamlin followed the direction of his eyes, “Your friend is a Californian and knows what we think of any man who lies, and how most men resent such an imputation, and I reckon he’ll indorse me!”

The editor muttered a hasty assent that seemed to cover Mr. Hamlin’s various propositions, and then hurriedly withdrew, abandoning his charge to Mr. Hamlin. What advantage Jack took of this situation, what extravagant accounts he gravely offered of the vegetation in lower California, of the resources of the country, of the reckless disregard of life and property, do not strictly belong to the record of this veracious chronicle. Notwithstanding all this, Mr. Raynor found Mr. Hamlin an exceedingly fascinating companion, and later, when the editor had rejoined them, and Mr. Hamlin proceeded to beg that gentleman to warn Mr. Raynor against gambling as the one seductive, besetting sin of California, alleging that it had been the ruin of both the

editor and himself, the tourist was so struck with the frankness and high moral principle of his new acquaintance as to insist upon his making one of their party. An invitation that Mr. Hamlin might have accepted but for the intervention of a singular occurrence.

During the conversation he had been curiously impressed by the appearance of a stranger who had entered and modestly and diffidently taken a seat near the door. To Mr. Hamlin this modesty and diffidence appeared so curiously at variance with his superb physique, and the exceptional strength and power shown in every muscle of his body, that with his usual audacity he felt inclined to go forward and inquire, "what was his little game?" That he was lying in wait to be "picked up"—the reader must really excuse me if I continue to borrow Mr. Hamlin's expressive vernacular—that his diffidence and shyness was a deceit and intended to entrap the unwary, he felt satisfied, and was proportionably thrilled with a sense of admiration for him. That a rational human being who held such a hand should be content with a small *ante*, without "raising the other players," but I beg the fastidious reader's forgiveness.

He was dressed in the ordinary miner's garb of the Southern mines, perhaps a little more cleanly than the average miner by reason of his taste, certainly more picturesque by reason of his statuesque shapeliness. He wore a pair of white duck trousers, a jumper or loose blouse of the same material, with a low-folded sailor's collar and sailor-knotted neckerchief, which displayed, with an unconsciousness quite characteristic of the man, the full muscular column of his sunburned

throat, except where it was hidden by a full, tawny beard. His long sandy curls fell naturally and equally on either side of the centre of his low, broad forehead. His fair complexion, although greatly tanned by exposure, seemed to have faded lately as by sickness or great mental distress, a theory that had some confirmation in the fact that he ate but little. His eyes were downcast, or when raised were so shy as to avoid critical examination. Nevertheless his mere superficial exterior was so striking as to attract the admiration of others besides Mr. Hamlin; to excite the enthusiastic attention of Mr. Raynor, and to enable the editor to offer him as a fair type of the mining population. Embarrassed at last by a scrutiny that asserted itself even through his habitual unconsciousness and pre-occupation, the subject of this criticism arose and returned to the hotel veranda, where his pack and mining implements were lying. Mr. Hamlin, who for the last few days had been in a rather exceptional mood, for some occult reason which he could not explain, felt like respecting the stranger's reserve, and quietly lounged into the billiard-room to wait for the coming of the stage-coach. As soon as his back was turned the editor took occasion to offer Mr. Raynor his own estimate of Mr. Hamlin's character and reputation, to correct his misstatements regarding Californian resources and social habits, and to restore Mr. Raynor's possibly shaken faith in California as a country especially adapted to the secure investment of capital. "As to the insecurity of life," said the editor, indignantly, "it is as safe here as in New York or Boston. We admit that in the early days the country was cursed by too many adventurers of the type of this very gambler Hamlin, but I will

venture to say you will require no better refutation of these calumnies than this very miner whom you admired. He, sir, is a type of our mining population; strong, manly, honest, unassuming, and perfectly gentle and retiring. We are proud, sir, we admit, of such men—eh? O, that's nothing—only the arrival of the up-stage!”

It certainly was something more. A momentarily increasing crowd of breathless men were gathered on the veranda before the window, and were peering anxiously over each other's head toward a central group, among which towered the tall figure of the very miner of whom they had been speaking. More than that, there was a certain undefined restless terror in the air, as when the intense conscious passion or suffering of one or two men communicates itself vaguely without speech, sometimes even with visible sign, to others. And then Yuba Bill, the driver of the Wingdam coach, strode out from the crowd into the bar-room, drawing from his hands with an evident effort his immense buckskin gloves.

“What's the row, Bill?” said half-a-dozen voices.

“Nothin’,” said Bill, gruffly, “only the Sheriff of Calaveras ez kem down with us hez nabbed his man jest in his very tracks.”

“When, Bill?”

“Right yer—on this very verandy—furst man he seed!”

“What for?” “who?” “what hed he bin doin’?” “who is it?” “what's up?” persisted the chorus.

“Killed a man up at One Horse Gulch, last night!” said Bill, grasping the decanter which the attentive bar-keeper had, without previous request, placed before him.

"Who did he kill, Bill?"

"A little Mexican from 'Frisco by the name o' Ramirez."

"What's the man's name that killed him—the man that you took?"

The voice was Jack Hamlin's. Yuba Bill instantly turned, put down his glass, wiped his mouth with his sleeve, and then deliberately held out his great hand with an exhaustive grin. "Dern my skin, ole man, if it ain't you! And how's things, eh? Yer lookin' a little white in the gills, but peart and sassy ez usual. Heerd you was kinder off color, down in Sacramento lass week. And it's you, ole fell, and jest in time! Bar-keep—hist that pizen over to Jack. Here to ye agin, ole man! H—ll! but I'm glad to see ye!"

The crowd hung breathless over the two men—awe-struck and respectful. It was a meeting of the gods—Jack Hamlin and Yuba Bill. None dare speak. Hamlin broke the silence at last, and put down his glass.

"What," he asked, lazily, yet with a slight color on his cheek, "did you say was the name of the chap that fetched that little Mexican?"

"Gabriel Conroy," said Bill.

CHAPTER II.

Mr. Hamlin takes a Hand.

THE capture had been effected quietly. To the evident astonishment of his captor, Gabriel had offered no resistance, but had yielded himself up with a certain composed willingness as if it were only the preliminary step to the quicker solution of a problem that was sure to be solved. It was observed, however,

that he showed a degree of caution that was new to him—asking to see the warrant, the particulars of the discovery of the body, and utterly withholding that voluble explanation or apology which all who knew his character confidently expected him to give, whether guilty or innocent—a caution which, accepted by them as simply the low cunning of the criminal, told against him. He submitted quietly to a search that however disclosed no concealed weapon or anything of import. But when a pair of hand-cuffs were shown him he changed color, and those that were nearest to him saw that he breathed hurriedly, and hesitated in the first words of some protest that rose to his lips. The sheriff, a man of known intrepidity, who had the rapid and clear intuition that comes with courageous self-possession, noticed it also, and quietly put the hand-cuffs back in his pocket. “I reckon there’s no use for ’em here; ef *you’re* willin’ to take the risks, *I* am.” The eyes of the two men met, and Gabriel thanked him. In that look he recognized and accepted the fact that on a motion to escape he would be instantly killed.

They were to return with the next stage, and in the interval Gabriel was placed in an upper room, and securely guarded. Here, falling into his old apologetic manner, he asked permission to smoke a pipe, which was at once granted by his good-humored guard, and then threw himself at full length upon the bed. The rising wind rattled the windows noisily, and entering tossed the smoke wreaths that rose from his pipe in fitful waves about the room. The guard, who was much more embarrassed than his charge, was relieved of an ineffectual attempt to carry on a conversation suitable to the occasion by Gabriel’s simple direct-

ness, "You needn't put yourself out to pass the time o' day with me," he said, gently, "that bein' extry to your reg'lar work. Ef you hev any friends ez you'd like to talk to in your own line, invite 'em in and don't mind me." But here the guard's embarrassment was further relieved by the entrance of Joe Hall, the Sheriff. "There's a gentleman here to speak with you," he said to Gabriel, "he can stay until we're ready to go." Turning to the guard, he added, "You can take a chair outside the door in the hall. It's all right, it's the prisoner's counsel."

At the word Gabriel looked up. Following the Sheriff, Lawyer Maxwell entered the room. He approached Gabriel and extended with grave cordiality a hand that had apparently wiped from his mouth the last trace of mirthfulness at the door.

"I did not expect to see you again so soon, Gabriel, but as quickly as the news reached me, and I heard that our friend Hall had a warrant for you, I started after him. I would have got here before him, but my horse gave out." He paused, and looked steadily at Gabriel. "Well!"

Gabriel looked at him in return, but did not speak.

"I supposed you would need professional aid," he went on, with a slight hesitation, "perhaps *mine*—knowing that I was aware of some of the circumstances that preceded this affair."

"Wot circumstances?" asked Gabriel, with the sudden look of cunning that had before prejudiced his captors.

"For Heaven's sake, Gabriel," said Maxwell, rising with a gesture of impatience, "don't let us repeat the blunder of our first interview. *This* is a serious matter;

may be very serious to you. Think a moment. Yesterday you sought my professional aid to deed to your wife all your property, telling me that you were going away never to return to One Horse Gulch. I do not ask you now *why* you did it. I only want you to reflect that I am just now the only man who knows that circumstance—a circumstance that I can tell you as a lawyer is somewhat important in the light of the crime that you are now charged with.”

Maxwell waited for Gabriel to speak, wiping away as he waited, the usual smile that lingered around his lips. But Gabriel said nothing.

“Gabriel Conroy,” said Lawyer Maxwell, suddenly dropping into the vernacular of One Horse Gulch, “are you a d—d fool?”

“Thet’s so,” said Gabriel, with the simplicity of a man admitting a self-evident proposition. “Thet’s so; I reckon I are.”

“I shouldn’t wonder, blast me!” said Maxwell, again swiftly turning upon him, “if you were!” He stopped, as if ashamed of his abruptness, and said more quietly and persuasively, “Come, Gabriel, if you won’t confess to *me*, I suppose that I must to *you*! Six months ago I thought you an impostor! Six months ago the woman who is now your wife charged you with being an impostor; with assuming a name and right that did not belong to you; in plain English, said that you had set yourself up as Gabriel Conroy, and that she, who was Grace Conroy, the sister of the real Gabriel, knew that you lied! She substantiated all this by proofs; d—n it all,” continued Maxwell, appealing in dumb show to the walls. “There isn’t a lawyer living as wouldn’t have said it was a good case, and been ready to push

it in any court. Under these circumstances I sought you, and you remember how! You know the result of that interview. I can tell you now that if there ever was a man who palpably confessed to guilt when he was innocent *you* were that man. Well! after your conduct there was explained by Olly, without however damaging the original evidence against you, or prejudicing her rights, this woman came to me, and said that she had discovered that you were the man who had saved her life at the risk of your own, and that for the present she could not, in delicacy, push her claim. When afterwards she told me that this gratitude had—well, ripened into something more serious—and that she had engaged herself to marry you, and so condone your offence, why d—n it, it was woman-like and natural, and I suspected nothing! I believed her story, believed she had a case! Yes, sir! the last six months I have looked upon you as the creature of that woman's foolish magnanimity. I could see that she was soft on you, and believed that you had fooled her. I did, blast me! There! if you confess to being a d—d fool, I do to having been an infernal sight bigger one."

He stopped, erased the mirthful past with his hand, and went on.

"I began to suspect something when you came to me yesterday with this story of your going away, and this disposal of your property. When I heard of the murder of this stranger—one of your wife's witnesses to her claim near your house, your own flight, and the sudden disappearance of your wife, my suspicions were strengthened. And when I read this note from your wife, delivered to you last night by one of her servants

and picked up early this morning near the body, my suspicions were confirmed."

As he finished he took from his pocket a folded paper and handed it to Gabriel. He received it mechanically, and opened it. It was his wife's note of the preceding night. He took out his knife, still holding the letter, and with its blade began stirring the bowl of his pipe. Then, after a pause, he asked, cautiously:

"And how did *ye* come by this yer?"

"It was found by Sal Clark, brought to Mrs. Markle, and given to me. Its existence is known only to three people, and they are your friends."

There was another pause, in which Gabriel deliberately stirred the contents of his pipe. Mr. Maxwell examined him curiously.

"Well," he said at last, "what is your defence?"

Gabriel sat up on the bed and rapped the bowl of his pipe against the bed-post to loosen some refractory encrustation.

"Wot," he asked, gravely, "would be *your* idee of a good de-fence? Axin ye ez a lawyer havin' experin's in them things, and reck'nin' to pay ez high ez enny man fo' the same, wot would *you* call a good defence?" and he gravely laid himself down again in an attitude of respectful attention.

"We hope to prove," said Maxwell, really smiling, "that when you left your house, and came to my office the murdered man was alive and at his hotel; that he went over to the hill long before you did; that *you* did not return until evening—*after* the murder was committed, as the 'secret' mentioned in your wife's mysterious note evidently shows. That for some reason or

other it was her design to place you in a suspicious attitude. That the note shows that she refers to some fact of which she was cognizant and not yourself."

"Suthin thet she knowed, and I didn't get to hear," translated Gabriel quietly.

"Exactly! Now you see the importance of that note."

Gabriel did not immediately reply, but slowly lifted his huge frame from the bed, walked to the open window, still holding the paper in his hands deliberately tore it into the minutest shreds before the lawyer could interfere and then threw it from the window. "Thet paper don't 'mount ter beans, nohow!" he said quietly but explanatively as he returned to the bed.

It was Lawyer Maxwell's turn to become dumb. In his astonished abstraction he forgot to wipe his mouth, and gazed at Gabriel with his nervous smile as if his client had just perpetrated a practical joke of the first magnitude.

"Ef it's the same to you, I'll just gin ye my idee of a de-fence," said Gabriel apologetically, relighting his pipe, "allowin' o' course thet you knows best, and askin' no deduckshun from your charges for advice. Well, you jess stands up afore the jedge, and you slings 'em a yarn suthin like this: 'Yer's me, for instans,' you sez, sez you, 'ez gambols—gambols very deep—jess fights the tiger, wharever and whenever found, the same bein' onbeknownst ter folks gin'rally and spechil ter my wife, ez was, July. Yer's me bin gambolin desprit with this yer man, Victyor Ramyirez, and gets lifted bad! and we hez, so to speak, a differ-culty about some pints in the game. I allows one thing, he allows another, and this yer man gives me the lie

and I stabs him!' Stop—hole your hosses!" interjected Gabriel suddenly, "thet looks bad, don't it? he bein' a small man, a little feller 'bout your size. No! Well, this yer's the way we puts it up: Seving men—*seving*—friends o' his comes at me, permiskis like, one down, and nex' comes on, and we hez it mighty lively thar fur an hour, until me, bein' in a tight place, hez to use a knife and cuts this yer man bad! Thar that's 'bout the thing! Now ez to my runnin' away, you sez, sez you, ez how I disremembers owin' to the 'citement thet I hez a 'pintment in Sacramento the very nex' day, and waltzes down yer to keep it, in a hurry. Ef they want to know whar July ez, you sez she gits wild on my not comin' home, and starts thet very night arter me. Thar, thet's 'bout my idee—puttin' it o' course in your own shape, and slingin' in them bits o' po'try and garbage, and kinder sassin' the plaintiff's counsel, ez you know goes down afore a jedge and jury."

Maxwell rose hopelessly, "Then, if I understand you, you intend to admit—"

"Thet I done it? In course!" replied Gabriel, "but," he added with a cunning twinkle in his eye, "Justifybly—justifiable homyside, ye mind!—bein' in fear o' my life from seving men. In course," he added hurriedly, "I can't identify them seving strangers in the dark, so thar's no harm or suspishion goin' to be done enny o' the boys in the Gulch."

Maxwell walked gravely to the window, and stood looking out without speaking. Suddenly he turned upon Gabriel with a brighter face and more earnest manner. "Where's Olly?"

Gabriel's face fell. He hesitated a moment, "I was on my way to the school in Sacramento whar she iz."

"You must send for her—I must see her at once!"

Gabriel laid his powerful hand on the lawyer's shoulder, "She izn't—thet chile—to know anythin' o' this. You hear?" he said, in a voice that began in tones of deprecation, and ended in a note of stern warning.

"How are you to keep it from her?" said Maxwell, as determinedly. "In less than twenty-four hours every newspaper in the state will have it—with their own version and comments. No, you must see her—she must hear it first from your own lips."

"But—I—can't—see—her jest now," said Gabriel, with a voice that for the first time during their interview faltered in its accents.

"Nor need you," responded the lawyer quickly. "Trust that to me. *I* will see her, and you shall afterwards. You need not fear I will prejudice your case. Give me the address! Quick!" he added, as the sound of footsteps and voices approaching the room, came from the hall. Gabriel did as he requested. "Now one word," he continued hurriedly, as the footsteps halted at the door.

"Yes," said Gabriel.

"As you value your life and Olly's happiness, hold your tongue."

Gabriel nodded with cunning comprehension. The door opened to Mr. Jack Hamlin, diabolically mischievous, self-confident, and audacious! With a familiar nod to Maxwell he stepped quickly before Gabriel and extended his hand. Simply, yet conscious of obeying some vague magnetic influence, Gabriel reached out his own and took Jack's white, nervous fingers in his own calm, massive grasp.

"Glad to see you, pard!" said that gentleman, showing his white teeth and reaching up to clap his disengaged hand on Gabriel's shoulder. "Glad to see you, old boy,—even if you have cut in and taken a job out of my hands that I was rather lyin' by to do myself. Sooner or later I'd have fetched that d——d Mexican—if you hadn't dropped into my seat and taken up my hand. Oh, it's all right, Mack!" he said, intercepting the quick look of caution that Maxwell darted at his client, "don't do that. We're all friends here. If you want me to testify I'll take my oath that there hasn't been a day this six months that that infernal hound, Ramirez, wasn't jest pantin' to be planted in his tracks! D—n me, gentlemen, I can hardly believe I ain't done it, myself." He stopped, partly to enjoy the palpable uneasiness of Maxwell, and perhaps in some admiration of Gabriel's physique. Maxwell quickly seized this point of vantage. "You can do your friend, here, a very great service," he said to Jack, lowering his voice as he spoke.

Jack laughed. "No, Mack, it won't do! They wouldn't believe me! There ain't judge or jury you could play that on!"

"You don't understand me," said Maxwell, laughing a little awkwardly. "I didn't mean that, Jack. This man was going to Sacramento to see his little sister—"

"Go on," said Jack with much gravity; "of course he was! I know that. 'Dear Brother, Dear Brother, come home with me now!' Certainly. So'm I, Goin' to see an innocent little thing 'bout seventeen years old, blue eyes and curly hair! Always go there once a week. Says he must come! Says she'll—" he stopped in the full tide of his irony, for, looking up,

he caught a glimpse of Gabriel's simple, troubled face and his sadly reproachful eyes. "Look here," said Jack, turning savagely on Maxwell, "what are you talkin' about, anyway?"

"I mean what I say," returned Maxwell quickly. "He was going to see his sister—a mere child! Of course he can't go now. But he must see her—if she can be brought to him! Can you—*will* you do it?"

Jack cast another swift glance at Gabriel. "Count me in!" he said promptly; "when shall I go?"

"Now—at once!"

"All right. Where shall I fetch her to?"

"One Horse Gulch."

"The game's made!" said Jack sententiously. "She'll be there by sun-down to-morrow!" He was off like a flash, but as swiftly returned, and called Maxwell to the door. "Look here," he said in a whisper, "p'r'aps it would be as well if the Sheriff didn't know I was *his* friend," he went on, indicating Gabriel with a toss of his head and a wink of his black eye, "because, you see, Joe Hall and I ain't friends! We had a little difficulty, and some shootin' and foolishness down at Marysville last year. Joe's a good square man, but he ain't above prejudice, and it might go against our man." Maxwell nodded, and Jack once more darted off.

But his color was so high, and his exaltation so excessive, that when he reached his room his faithful Pete looked at him in undisguised alarm. "Bress de Lord God—it tain't no whiskey, Mars Jack, arter all de doctors tole you?" he said, clasping his hands in dismay.

The bare suggestion was enough for Jack in his present hilarious humor. He instantly hiccupped,

lapsed wildly over against Pete with artfully simulated alcoholic weakness, tumbled him on the floor, and grasping his white woolly head waved over it a boot-jack, and frantically demanded "another bottle." Then he laughed; as suddenly got up with the greatest gravity and a complete change in his demeanor, and wanted to know, severely, what he, Pete, meant by lying there on the floor in a state of beastly intoxication?

"Bress de Lord! Mars Jack, but ye *did* frighten me. I jiss allowed dem tourists down stairs had been gettin' ye tight."

"You did—you degraded, old ruffian! If you'd been reading 'Volney's Ruins,' or reflectin' on some of those moral maxims that I'm just wastin' my time and health unloading to you, instead of making me the subject of your inebriated reveries, you wouldn't get picked up so often. Pack my valise, and chuck it into some horse and buggy—no matter whose. Be quick."

"Is we gwine to Sacramento, Mars Jack?"

"*We?* No sir. *I'm* going—alone! What I'm doing now, sir, is only the result of calm reflection—of lying awake nights taking points and jest spottin' the whole situation. And I'm convinced, Peter, that I can stay with you no longer. You've been hackin' the keen edge of my finer feelin's; playin' it very low down on my moral and religious nature, and generally ringin' in a cold deck on my spiritual condition for the last five years. You've jest cut up thet rough with my higher emotions thet there ain't enough left to chip in on a ten-cent ante. Five years ago," continued Jack, coolly, brushing his curls before the glass, "I fell into your hands, a guileless, simple youth, in the first flush of manhood, knowin' no points, easily picked up on my

sensibilities, and trav'lin, so to speak, on my shape! And where am I now? Echo answers 'where?' and passes for a euchre! No, Peter, I leave you to-night. Wretched misleader of youth, gummy old man with the strawberry eye-brows, farewell!"

Evidently this style of exordium was no novelty to Pete, for without apparently paying the least attention to it, he went on, surlily packing his master's valise. When he had finished he looked up at Mr. Hamlin, who was humming, in a heartbroken way, "*Yes, we must Part,*" varied by occasional glances of exaggerated reproach at Pete, and said, as he shouldered the valise,

"Dis yer ain't no woman foolishness, Mars Jack, like down at dat yar Mission?"

"Your suggestion, Peter," returned Jack, with dignity, "emanates from a moral sentiment debased by Love Feasts and Camp Meetings, and an intellect weakened by Rum and Gum and the contact of Lager Beer Jerkers. It is worthy of a short-card sharp and a keno flopper, which I have, I regret to say, long suspected you to be. Farewell! You will stay here until I come back. If I don't come back by the day after to-morrow come to One Horse Gulch. Pay the bill and don't knock down for yourself more than seventy-five per cent. Remember I am getting old and feeble. You are yet young with a brilliant future before you. Git." He tossed a handful of gold on the bed, adjusted his hat carefully over his curls, and strode from the room. In the lower hall he stopped long enough to take aside Mr. Raynor, and with an appearance of the greatest conscientiousness, to correct an error of two feet in the measurements he had given him that morning of an enormous pine tree in whose prostrate

trunk he, Mr. Hamlin, had once found a peaceful, happy tribe of one hundred Indians living. Then lifting his hat with marked politeness to Mrs. Raynor, and totally ignoring the presence of Mr. Raynor's mentor and companion, he leaped lightly into the buggy and drove away.

"An entertaining fellow," said Mr. Raynor, glancing after the cloud of dust that flew from the untarrying wheels of Mr. Hamlin's chariot.

"And so gentlemanly," smiled Mrs. Raynor.

But the journalistic conservator of the public morals of California, in and for the city and county of San Francisco, looked grave, and deprecated even that feeble praise of the departed. "His class are a curse to the country. They hold the law in contempt; they retard by the example of their extravagance the virtues of economy and thrift; they are consumers and not producers; they bring the fair fame of this land into question by those who foolishly take them for a type of the people."

"But, dear me," said Mrs. Raynor, pouting, "where your gamblers and bad men are so fascinating, and your honest miners are so dreadfully murderous, and kill people and then sit down to breakfast with you as if nothing had happened, what are you going to do?"

The journalist did not immediately reply. In the course of some eloquent remarks, as unexceptionable in morality as in diction, which I regret I have not space to reproduce here, he however intimated that there was still an Unfettered Press, which "scintillated" and "shone" and "lashed" and "stung" and "exposed" and "tore away the veil," and became at various times a Palladium and a Watchtower, and did and

was a great many other remarkable things peculiar to an Unfettered Press in a pioneer community, when untrammelled by the enervating conditions of an effete civilization.

"And what have they done with the murderer?" asked Mr. Raynor, repressing a slight yawn.

"Taken him back to One Horse Gulch half an hour ago. I reckon he'd as lief stayed here," said a bystander. "From the way things are pintin', it looks as if it might be putty lively for him up thar!"

"What do you mean," asked Raynor, curiously.

"Well, two or three of them old Vigilantes from Angel's passed yer a minit ago with their rifles, goin' up that way," returned the man, lazily. "Mayn't be nothin in it, but it looks mighty like—"

"Like what?" asked Mr. Raynor, a little nervously.

"Lynchin'!" said the man.

CHAPTER III.

In which Mr. Dumphy takes Poinsett into his Confidence.

THE cool weather of the morning following Mr. Dumphy's momentous interview with Col. Starbottle, contributed somewhat to restore the former gentleman's tranquility, which had been considerably disturbed. He had moreover a vague recollection of having invited Col. Starbottle to visit him socially, and a nervous dread of meeting, in the company of others, this man, whose audacity was equal to his own. Braced, however, by the tonic of the clear exhilarating air, and sustained by the presence of his clerks and the respectful homage of his business associates, he dispatched a note to Arthur Poinsett requesting an interview. Punc-

tually at the hour named that gentleman presented himself, and was languidly surprised when Mr. Dumphy called his clerk and gave orders that their interview was not to be disturbed and to refuse admittance to all other visitors. And then Mr. Dumphy, in a peremptory, practical statement which his business habits and temperament had brought to a perfection that Arthur could not help admiring, presented the details of his interview with Col. Starbottle. "Now, I want you to help me. I've sent to you for that business purpose. You understand, this is not a matter for the Bank's regular counsel. Now what do you propose?"

"First, let me ask you, do you believe your wife is living?"

"No," said Dumphy promptly, "but of course I don't know."

"Then let me relieve your mind at once, and tell you that she is not."

"You know this to be a fact?" asked Dumphy.

"I do. The body supposed to be Grace Conroy's and so identified, was your wife's. I recognized it at once, knowing Grace Conroy to have been absent at the culmination of the tragedy."

"And why did you not correct the mistake?"

"That is *my* business," said Arthur haughtily, "and I believe I have been invited here to attend to *yours*. Your wife is dead."

"Then," said Mr. Dumphy, rising with a brisk business air, "if you are willing to testify to that fact, I reckon there is nothing more to be done."

Arthur did not rise, but sat watching Mr. Dumphy with an unmoved face. After a moment Mr. Dumphy

sat down again, and looked aggressively but nervously at Arthur. "Well," he said, at last.

"Is that all?" asked Arthur quietly, "are you willing to go on and establish the fact?"

"Don't know what you mean!" said Dumphy, with an attempted frankness which failed signally.

"One moment, Mr. Dumphy. You are a shrewd business man. Now do you suppose the person— whoever he or she may be, who has sent Col. Starbottle to you, relies alone upon your inability to legally prove your wife's death? May they not calculate somewhat on your *indisposition* to prove it legally; on the theory that you'd rather not open the case, for instance?"

Mr. Dumphy hesitated a moment and bit his lip. "Of course," he said shortly, "there'd be some talk among my enemies about my deserting my wife,—"

"And child," suggested Arthur.

"And child," repeated Dumphy savagely, "and not coming back again—there'd be suthin' in them d——d papers about it, unless I paid 'em, but what's that!—deserting one's wife isn't such a new thing in California."

"That is so," said Arthur, with a sarcasm that was none the less sincere, because he felt its applicability to himself.

"But we're not getting on," said Mr. Dumphy impatiently. "What's to be done? That's what I've sent to you for."

"Now that we know it is not your *wife*—we must find out *who* it is that stands back of Col. Starbottle. It is evidently some one who knows at least as much as we do of the facts; we are lucky if they know no

more. Can you think of any one? Who are the survivors? Let's see: you, myself, possibly Grace!"—

"It couldn't be that d——d Grace Conroy, really alive!" interrupted Dumphy hastily.

"No," said Arthur quietly, "you remember *she* was not present at the time."

"Gabriel?"

"I hardly think so. Besides he is a friend of yours."

"It couldn't be"—Dumphy stopped in his speech, with a certain savage alarm in his looks. Arthur noticed it—and quietly went on.

"Who 'couldn't' it be?"

"Nothing—nobody. I was only thinking if Gabriel or somebody could have told the story to some designing rascal."

"Hardly—in sufficient detail."

"Well," said Dumphy with his coarse bark-like laugh, "if I've got to pay to see Mrs. Dumphy decently buried, I suppose I can rely upon you to see that it's done without a chance of resurrection. Find out who Starbottle's friend is and how much he or she expects. If I've got to pay for this thing I'll do it now, and get the benefit of absolute silence. So I'll leave it in your hands," and he again rose as if dismissing the subject and his visitor, after his habitual business manner.

"Dumphy," said Arthur, still keeping his own seat and ignoring the significance of Dumphy's manner. "There are two professions that suffer from a want of frankness in the men who seek their services. Those professions are Medicine and the Law. I can understand why a man seeks to deceive his physician, because he is humbugging himself; but I can't see why

he is not frank to his lawyer! You are no exception to the rule. You are now concealing from *me*, whose aid you have sought, some very important reason why you wish to have this whole affair hidden beneath the snow of Starvation Camp."

"Don't know what you're driving at," said Dumphy. But he sat down again.

"Well, listen to me, and perhaps I can make my meaning clearer. My acquaintance with the late Dr. Devarges began some months before we saw you. During our intimacy he often spoke to me of his scientific discoveries, in which I took some interest, and I remember seeing among his papers frequent records and descriptions of localities in the foot-hills, which he thought bore the indications of great mineral wealth. At that time the Doctor's theories and speculations appeared to me to be visionary, and the records of no value. Nevertheless, when we were shut up in Starvation Camp and it seemed doubtful if the Doctor would survive his discoveries, at his request I deposited his papers and specimens in a cairn at Monument Point. After the catastrophe, on my return with the relief party to camp, we found that the cairn had been opened by some one and the papers and specimens scattered on the snow. We supposed this to have been the work of Mrs. Brackett, who in search of food, had broken the cairn, taken out the specimens, and died from the effects of the poison with which they had been preserved."

He paused and looked at Dumphy, who did not speak.

"Now," continued Arthur, "like all Californians I have followed your various successes with interest and

wonder. I have noticed, with the gratification that all your friends experience, the singular good fortune which has distinguished your mining enterprises, and the claims you have located. But I have been cognizant of a fact, unknown I think to any other of your friends, that nearly all of the localities of your successful claims, by a singular coincidence, agree with the memorandums of Dr. Devarges!"

Dumphy sprang to his feet with a savage, brutal laugh. "So," he shouted, coarsely, "that's the game, is it! So it seems I'm d—d lucky in coming to you—no trouble in finding this *woman* now, hey? Well, go on, this is getting interesting; let's hear the rest! What are your propositions, what if I refuse, hey?"

"My first proposition," said Arthur, rising to his feet with a cold wicked light in his grey eyes, "is that you shall instantly take that speech back and beg my pardon! If you refuse, by the living God, I'll throttle you where you stand!"

For one wild moment all the savage animal in Dumphy rose, and he instinctively made a step in the direction of Poinsett. Arthur did not move. Then Mr. Dumphy's practical caution asserted itself. A physical personal struggle with Arthur would bring in witnesses—witnesses perhaps of something more than that personal struggle. If he were victorious, Arthur, unless killed outright, would revenge himself by an exposure. He sank back in his chair again. Had Arthur known the low estimate placed upon his honor by Mr. Dumphy he would have been less complacent in his victory.

"I didn't mean to suspect *you*," said Dumphy at last, with a forced smile, "I hope you'll excuse me. I

know you're my friend. But you're all wrong about these papers; you are, Poinsett, I swear. I know if the fact were known to outsiders it would look queer if not explained. But whose business is it? anyway; legally, I mean."

"No one's, unless Devarges has friends or heirs."

"He hadn't any."

"There's that wife!"

"Bah!—she was divorced!"

"Indeed! You told me on our last interview that she really was the widow of Devarges."

"Never mind that now," said Dumphy, impatiently. "Look here! You know as well as I do that no matter how many discoveries Devarges made, they weren't worth a d—n if he hadn't some work on them—improved or opened them."

"But that is not the point at issue just now," said Arthur. "Nobody is going to contest your claim or sue you for damages. But they might try to convict you of a crime. They might say that breaking into the cairn was burglary, and the taking of the papers theft."

"But how are they going to prove that?"

"No matter. Listen to me, and don't let us drift away from the main point. The question that concerns you is this. An impostor sets up a claim to be your wife; you and I know she is an impostor, and can prove it. She knows that, but knows also that in attempting to prove it you lay yourself open to some grave charges which she doubtless stands ready to make."

"Well, then the first thing to do is to find out *who* she is, what she knows, and what she wants, eh?" said Dumphy.

"No," said Arthur, quietly, "the first thing to do is

to prove that your wife is really dead, and to do that you must show that Grace Conroy was alive when the body purporting to be hers, but which was really your wife's, was discovered. Once establish *that* fact and you destroy the credibility of the Spanish reports, and you need not fear any revelation from that source regarding the missing papers. And that is the only source from which evidence against you can be procured. But when you destroy the validity of that report, you of course destroy the credibility of all concerned in making it. And as I was concerned in making it, of course it won't do for you to put *me* on the stand."

Notwithstanding Dumphy's disappointment he could not help yielding to a sudden respect for the superior rascal who thus cleverly slipped out of responsibility. "But," added Arthur, coolly, "you'll have no difficulty in establishing the fact of Grace's survival by others."

Dumphy thought at once of Ramirez. Here was a man who had seen and conversed with Grace when she had, in the face of the Spanish Commander, indignantly asserted her identity and the falsity of the report. No witness could be more satisfactory and convincing. But to make use of him he must first take Arthur into his confidence; must first expose the conspiracy of Madame Devargès to personate Grace, and his own complicity with the transaction. He hesitated. Nevertheless he had been lately tortured by a suspicion that the late Madame Devargès was in some way connected with the later conspiracy against himself, and he longed to avail himself of Arthur's superior sagacity, and after a second reflection he concluded to do it. With the same practical conciseness of state-

ment that he had used in relating Col. Starbottle's interview with himself, he told the story of Madame Devarges' brief personation of Grace Conroy, and its speedy and felicitous ending in Mrs. Conroy. Arthur listened with unmistakable interest and a slowly heightening color. When Dumphy had concluded he sat for a moment apparently lost in thought.

"Well?" at last said Dumphy, interrogatively and impatiently.

Arthur started. "Well," he said, rising and replacing his hat with the air of a man who had thoroughly exhausted his subject, "your frankness has saved me a world of trouble."

"How?" said Dumphy.

"There is no necessity for looking any further for your alleged wife. She exists at present as Mrs. Conroy, *alias* Madame Devarges, *alias* Grace Conroy. Ramirez is your witness. You couldn't have a more willing one."

"Then my suspicions are correct."

"I don't know on what you based them. But here is a woman who has unlimited power over men, particularly over one man, Gabriel!—who alone, of all men but ourselves, knows the facts regarding your desertion of your wife in Starvation Camp, her death, and the placing of Dr. Devarges' private papers by me in the cairn. He knows too of your knowledge of the existence of the cairn, its locality, and contents. He knows this because he was in the cabin that night when the Doctor gave me his dying injunctions regarding his property—the night that you—excuse me, Dumphy, but nothing but frankness will save us now—the night that you stood listening at the door and

frightened Grace with your wolfish face. Don't speak! she told me all about it! Your presence there that night gained you the information that you have used so profitably; it was your presence that fixed her wavering resolves and sent her away with me."

Both men had become very pale and earnest. Arthur moved toward the door. "I will see you to-morrow when I will have matured some plan of defence," he said, abstractedly. "We have"—he used the plural of advocacy with a peculiar significance—"We have a clever woman to fight who may be more than our match. Meantime, remember that Ramirez is our defence, he is our man, Dumphy, hold fast to him as you would your life. Good day."

In another moment he was gone. As the door closed upon him a clerk entered hastily from the outer office. "You said not to disturb you, sir, and here is an important dispatch waiting for you from Wingdam." Mr. Dumphy took it mechanically, opened it, read the first line, and then said hurriedly, "Run after that man, quick!—Stop! Wait a moment. You need not go! There, that will do!"

The clerk hurriedly withdrew into the outer office. Mr. Dumphy went back to his desk again, and once more devoured the following lines:—

"WINGDAM, 7th, 6 A.M.—Victor Ramirez murdered last night on Conroy's Hill. Gabriel Conroy arrested. Mrs. Conroy missing. Great excitement here; strong feeling against Gabriel. Wait instructions.—FITCH."

At first Mr. Dumphy only heard as an echo beating in his brain, the parting words of Arthur Poinsett, "Ramirez is our defence; hold fast to him as you would your life." And now he was dead—gone; their only witness; killed by Gabriel the plotter! What more was

wanted to justify his worst suspicions? What should they do? He must send after Poinsett again; the plan of defence must be changed at once; to-morrow might be too late. Stop!

One of his accusers in prison charged with a capital crime! The other—the real murderer—for Dumphy made no doubt that Mrs. Conroy was responsible for the deed—a fugitive from justice! What need of any witness now? The blow that crippled these three conspirators had liberated him! For a moment Mr. Dumphy was actually conscious of a paroxysm of gratitude toward some indefinitely Supreme Being—a God of special providence—special to himself! More than this there was that vague sentiment, common, I fear, to common humanity in such crises that this Providence was a tacit indorsement of himself. It was the triumph of Virtue (Dumphy) over Vice (Conroy *et al.*).

But there would be a trial, publicity, and the possible exposure of certain things by a man whom danger might make reckless. And could he count upon Mrs. Conroy's absence or neutrality? He was conscious that her feeling for her husband was stronger than he had supposed, and she might dare everything to save him. What had a woman of that kind to do with such weakness? Why hadn't she managed it so as to kill Gabriel too? There was an evident want of practical completeness in this special Providence that as a business man Mr. Dumphy felt he could have regulated. And then he was seized with an idea—a damnable inspiration!—and set himself briskly to write. I regret to say that despite the popular belief in the dramatic character of all villainy, Mr. Dumphy at this moment presented only the commonplace spectacle of

an absorbed man of business; no lurid light gleamed from his pale blue eyes; no Satanic smile played around the corners of his smoothly shaven mouth; no feverish exclamation stirred his moist, cool lips. He wrote methodically and briskly without deliberation or undue haste. When he had written half a dozen letters he folded and sealed them, and without summoning his clerk took them himself into the outer office and thence into the large counting-room. The news of the murder had evidently got abroad; the clerks were congregated together, and the sound of eager, interested voices ceased as the great man entered and stood among them.

"Fitch, you and Judson will take the quickest route to One Horse Gulch, to-night. Don't waste any time on the road or spare any expense. When you get there deliver these letters, and take your orders from my correspondents. Pick up all the details you can about this affair and let me know. What's your balance at the Gulch, Mr. Peebles? never mind the exact figures!"

"Larger than usual, sir, some heavy deposits!"

"Increase your balance then if there should be any d—d fools who connect the Bank with this matter."

"I suppose," said Mr. Fitch, respectfully, "we're to look after your foreman, Mr. Conroy, sir?"

"You are to take your orders from my correspondents, Mr. Fitch, and not to interfere in any way with public sentiment. We have nothing to do with the private acts of anybody. Justice will probably be done to Conroy. It is time that these outrages upon the reputation of the California miner should be stopped. When the fame of a whole community is pre-

judiced and business injured by the rowdyism of a single ruffian," said Mr. Dumphy raising his voice slightly as he discovered the interested and absorbed presence of some of his most respectable customers, "it is time that prompt action should be taken." In fact he would have left behind him a strong Roman flavor and a general suggestion of Brutus, had he not unfortunately effected an anti-climax by adding, "that's business, sir," as he retired to his private office.

CHAPTER IV.

Mr. Hamlin is off with an old Love.

MR. JACK HAMLIN did not lose much time on the road from Wingdam to Sacramento. His rapid driving, his dust-bespattered vehicle, and the exhausted condition of his horse on arrival, excited but little comment from those who knew his habits, and for other criticism he had a supreme indifference. He was prudent enough, however, to leave his horse at a stable on the outskirts, and having reconstructed his toilet at a neighboring hotel, he walked briskly toward the address given him by Maxwell. When he reached the corner of the street and was within a few paces of the massive shining door-plate of Mdme. Eclair's *Pensionnat*, he stopped with a sudden ejaculation, and after a moment's hesitation, turned on his heel deliberately and began to retrace his steps.

To explain Mr. Hamlin's singular conduct I shall be obliged to disclose a secret of his, which I would fain keep from the fair reader. On receiving Olly's address from Maxwell, Mr. Hamlin had only cursorily

glanced at it, and it was only on arriving before the house that he recognized to his horror that it was a boarding-school, with one of whose impulsive inmates he had whiled away his idleness a few months before in a heart-breaking but innocent flirtation, and a soul-subduing but clandestine correspondence, much to the distaste of the correct Principal. To have presented himself there in his proper person would to have been refused admittance or subjected to a suspicion that would have kept Olly from his hands. For once, Mr. Hamlin severely regretted his infelix reputation among the sex. But he did not turn his back on his enterprise. He retraced his steps only to the main street, visited a barber's shop and a jeweler's, and reappeared on the street again with a pair of enormous green goggles and all traces of his long distinguishing silken black moustache shaven from his lip. When it is remembered that this rascal was somewhat vain of his personal appearance, the reader will appreciate his earnestness and the extent of his sacrifice.

Nevertheless, he was a little nervous as he was ushered into the formal reception-room of the *Pensionnat*, and waited until his credentials, countersigned by Maxwell, were submitted to Mdme. Eclair. Mr. Hamlin had no fear of being detected by his real name; in the brief halcyon days of his romance he had been known as Clarence Spiffington,—an ingenious combination of the sentimental and humorous which suited his fancy, and to some extent, he felt, expressed the character of his affection. Fate was propitious; the servant returned saying that Miss Conroy would be down in a moment, and Mr. Hamlin looked at his watch. Every moment was precious; he was beginning

to get impatient when the door opened again and Olly slipped into the room.

She was a pretty child, with a peculiar boyish frankness of glance and manner, and a refinement of feature that fascinated Mr. Hamlin, who, fond as he was of all childhood, had certain masculine preferences for good looks. She seemed to be struggling with a desire to laugh when she entered, and when Jack turned towards her with extended hands she held up her own warningly, and closing the door behind her cautiously, said, in a demure whisper:

"She'll come down as soon as she can slip past Madame's door."

"Who?" asked Jack.

"Sophy."

"Who's Sophy?" asked Jack seriously. He had never known the name of his Dulcinea. In the dim epistolatory region of sentiment she had existed only as "The Blue Moselle," so called from the cerulean hue of her favorite raiment, and occasionally, in moments of familiar endearment, as "Mosey."

"Come, now, pretend you don't know, will you," said Olly, evading the kiss which Jack always had ready for childhood. "If I was her, I wouldn't have anything to say to you after that!" she added, with that ostentatious chivalry of the sex towards each other, in the presence of their common enemy. "Why, she saw you from the window when you first came this morning, when you went back again and shaved off your moustache; she knew you. And you don't know her! It's mean, ain't it?—they'll grow again, won't they?" Miss Olly referred to the moustachios and not the affections!

Jack was astonished and alarmed. In his anxiety to evade or placate the dueña, he had never thought of her charge—his sweetheart. Here was a dilemma! "Oh yes!" said Jack hastily, with a well simulated expression of arch affection, "Sophy—of course—that's my little game! But I've got a note for you too, my dear," and he handed Olly the few lines that Gabriel had hastily scrawled. He watched her keenly, almost breathlessly, as she read them. To his utter bewilderment she laid the note down indifferently and said, "That's like Gabe—the old simpleton!"

"But you're goin' to do what he says," asked Mr. Hamlin, "ain't you?"

"No," said Olly, promptly, "I ain't! Why, Lord! Mr. Hamlin, you don't know that man; why, he does this sort o' thing every week!" Perceiving Jack stare, she went on, "Why, only last week, didn't he send to me to meet him out on the corner of the street, and he my own brother, instead o' comin' here, ez he hez a right to do. Go to him at Wingdam? No! ketch me!"

"But suppose he can't come," continued Mr. Hamlin.

"Why can't he come? I tell you, it's just foolishness and the meanest kind o' bashfulness. Jes because there happened to be a young lady here from San Francisco, Rosey Ringround, who was a little took with the ole fool. If he could come to Wingdam, why couldn't he come here,—that's what I want to know?"

"Will you let me see that note?" asked Hamlin.

Olly handed him the note, with the remark, "He don't spell well—and he won't let me teach him—the old Muggins!"

Hamlin took it and read as follows:

DEAR OLLY—If it don't run a fowl uv yer lessings and the Maddam's willin' and the young laddies, Brother Gab's waitin' fer ye at Wingdam, so no more from your affeshtunate brother,
GAB.

Mr. Hamlin was in a quandary. It never had been a part of his plan to let Olly know the importance of her journey. Mr. Maxwell's injunctions to bring her "quietly," his own fears of an outburst that might bring a questioning and sympathetic school about his ears, and lastly and not the least potently, his own desire to enjoy Olly's company in the long ride to One Horse Gulch without the preoccupation of grief, with his own comfortable conviction that he could eventually bring Gabriel out of this "fix" without Olly knowing anything about it, all this forbade his telling her the truth. But here was a coil he had not thought of. Howbeit, Mr. Hamlin was quick at expedients. "Then you think Sophy can see me," he added, with a sudden interest.

"Of course she will!" said Olly, archly. "It was right smart in you to get acquainted with Gabe and set him up to writing that; though it's just like him. He's that soft that anybody could get round him. But there she is now, Mr. Hamlin; that's her step on the stairs. And I don't suppose you two hez any need o' me now." And she slipped out of the room, as demurely as she had entered, at the same moment that a tall, slim and somewhat sensational young lady in blue came flying in.

I can, in justice to Mr. Hamlin, whose secrets have been perhaps needlessly violated in the progress of this story, do no less than pass over as sacred, and perhaps wholly irrelevant to the issue, the interview that took place between himself and Miss Sophy. That he succeeded in convincing that young woman of his unaltered loyalty, that he explained his long silence as

the result of a torturing doubt of the permanence of her own affection, that his presence at that moment was the successful culmination of a long-matured and desperate plan to see her once more and learn the truth from her own lips, I am sure that no member of my own disgraceful sex will question, and I trust no member of a too fond and confiding sex will doubt. That some bitterness was felt by Mr. Hamlin, who was conscious of certain irregularities during this long interval, and some tears shed by Miss Sophy, who was equally conscious of more or less aberration of her own magnetic instincts during his absence, I think will be self-evident to the largely comprehending reader. Howbeit, at the end of ten tender yet tranquilizing minutes Mr. Hamlin remarked in low, thrilling tones, "By the aid of a few confiding friends and playin' it rather low on them I got that note to the Conroy girl, but the game's up and we might as well pass in our checks now, if she goes back on us, and passes out, which I reckon's her little game. If what you say is true, Sophy, and you do sometimes look back to the past, and things is generally on the square, you'll go for that Olly and fetch her. For if I go back without that child and throw up my hand it's just tampering with the holiest affections and playing it mighty rough on as white a man as ever you saw, Sophy, to say nothing of your reputation, and everybody ready to buck agin us who has ten cents to chip in on. You must make her go back with me and put things on a specie basis!"

In spite of the mixed character of Mr. Hamlin's metaphor, his eloquence was so convincing and effective that Miss Sophy at once proceeded with considerable indignation to insist upon Olly's withdrawing her refusal.

"If this is the way you're going to act, you horrid little thing! after all that me and him's trusted you, I'd like to see the girl in school that will ever tell *you* anything again, that's all!" — a threat so appalling that Olly, who did not stop to consider that this confidence was very recent and had been forced upon her, assented without further delay, exhibited Gabriel's note to Madame Eclair, and having received that lady's gracious permission to visit her brother, was in half an hour in company with Mr. Hamlin on the road.

CHAPTER V.

The Three Voices.

ONCE free from the trammeling fascinations of Sophy and the more dangerous *espionage* of Madame Eclair, and with the object of his mission accomplished, Mr. Hamlin recovered his natural spirits and became so hilarious that Olly, who attributed this exaltation to his interview with Sophy, felt constrained to make some disparaging remarks about that young lady, partly by way of getting even with her for her recent interference, and partly in obedience to some well known but unexplained law of the sex. To her great surprise, however, Mr. Hamlin's spirits were in no way dampened, nor did he make any attempt to defend his Lalage. Nevertheless, he listened attentively, and when she had concluded he looked suddenly down upon her chip hat and thick yellow tresses, and said "Ever been in the Southern country, Olly?"

"No," returned the child.

"Never down about San Antonio, visiting friends or relations?"

"No," said Olly, decidedly.

Mr. Hamlin was silent for some time, giving his exclusive attention to his horse, who was evincing a disposition to "break" into a gallop. When he had brought the animal back into a trot again he continued, "*There's* a woman! Olly."

"Down in San Antonio?" asked Olly. Mr. Hamlin nodded. "Purty?" continued the child. "It ain't the word," responded Mr. Hamlin seriously. "Purty ain't the word." "As purty as Sophy?" continued Olly, a little mischievously. "Sophy be d——." Mr. Hamlin here quickly pulled up himself and horse, both being inclined to an exuberance startling to the youth and sex of the third party. "That is—I mean something in a different suit, entirely." Here he again hesitated, doubtful of his slang. "I see," quoth Olly; "diamonds—Sophy's is spades."

The gambler (in sudden and awful admiration), "Diamonds—you've just struck it!—but what do *you* know 'bout cards?" Olly (*pomposaménte*), "Everything! Tell our fortunes by 'em—we girls! I'm in hearts—Sophy's in spades—you're in clubs! Do you know (in a thrilling whisper), only last night I had a letter, a journey, a death and a gentleman in clubs—dark complected—that's you." Mr. Hamlin (a good deal more at ease through this revelation of the universal power of the four suits), "Speakin' of women, I suppose down there (indicating the school) you occasionally hear of angels. What's their general complexion?" Olly (dubiously), "In the pictures?" Hamlin, "Yes," (with a leading question)—"sorter dark complected sometimes, hey?" Olly (positively), "Never!—always white!" Jack, "Always white?" Olly, "Yes—and flabby!"

They rode along for some time silently. Presently Mr. Hamlin broke into song — a popular song — one verse of which Olly supplied with such deftness of execution and melodiousness of pipe, that Mr. Hamlin instantly suggested a duet. And so over the dead and barren wastes of the Sacramento plains they fell to singing, often barbarously, sometimes melodiously, but never self-consciously, wherein I take it they approximated to the birds and better class of poets, so that rough teamsters, rude packers, and weary wayfarers were often touched, as with the birds and poets aforesaid, to admiration and tenderness. And when they stopped for supper at a wayside station, and Jack Hamlin displayed that readiness of resource, audacity of manner and address, and perfect and natural obliviousness to the criticism of propriety or the limitations of precedent, and when, moreover, the results of all this was a much better supper [than perhaps a more reputable companion could have procured, she thought she had never known a more engaging person than this Knave of Clubs.

When they were fairly on the road again Olly began to exhibit some curiosity regarding her brother, and asked some few questions about Gabriel's family, which disclosed the fact that Jack's acquaintance with Gabriel was comparatively recent. "Then you never saw July at all?" asked Olly. "July!" queried Jack, reflectively, "what's she like?" "I don't know whether she's a heart or spade," said Olly, as thoughtfully. Jack was silent for some moments, and then after a pause, to Olly's intense astonishment, proceeded to sketch, in a few vigorous phrases, the external characteristics of Mrs. Conroy. "Why, you said you never saw her!"

ejaculated Olly. "No more I did," responded the gambler, with a quick laugh—"this is only a little bluff!"

It had grown cold with the brief twilight and the coming on of night. For some time the black, unchanging outlines of the distant Coast Range were sharply *silhouetted* against a pale, ashen sky, that at last faded utterly, leaving a few stars behind as emblems of the burnt-out sunset. The red road presently lost its calm and even outline in the swiftly gathering shadows, or to Olly's fancy was stopped by shapeless masses of rock or giantlike trunks of trees that in turn seemed to give way before the skilful hand and persistent will of her driver. At times a chill exhalation from a roadside ditch came to Olly like the damp breath of an open grave, and the child shivered even beneath the thick traveling shawl of Mr. Hamlin, with which she was enwrapped. Whereat Jack at once produced a flask, and prevailed Olly to drink something that set her to coughing, but which that astute and experienced child at once recognized as whiskey. Mr. Hamlin, to her surprise, however, did not himself partake, a fact which she at once pointed out to him. "At an early age, Olly," said Mr. Hamlin, with infinite gravity, "I promised an infirm and aged relative never to indulge in spirituous liquors, except on a physician's prescription. I carry this flask subject to the doctor's orders. Never having ordered me to drink any, I don't." As it was too dark for the child to observe Mr. Hamlin's eyes which, after the fashion of her sex, she consulted much oftener than his speech for his real meaning, and was as often deceived, she said nothing, and Mr. Hamlin relapsed into silence. At the end of five minutes he said, "*She* was a woman,

Olly—you bet!" Olly, with great tact and discernment, instantly referring back to Mr. Hamlin's discourse of an hour before, queried, "That girl in the Southern country?" "Yes," said Mr. Hamlin. "Tell me all about her," said Olly—"all you know." "That ain't much," mused Hamlin, with a slight sigh. "Ah, Olly, *she* could sing!" "With the piano?" said Olly, a little superciliously. "With the organ," said Hamlin. Olly, whose sole idea of this instrument was of the itinerant barrel variety, yawned slightly, and with a very perceptible lack of interest said that she hoped she would see her some time when she came up that way and was "going 'round." Mr. Hamlin did not laugh, but after a few minutes' rapid driving, began to explain to Olly with great earnestness the character of a church organ. "I used to play one once, Olly, in a church. They did say that I used sometimes to fetch that congregation, jest snatch 'em bald headed, Olly, but it's a long time ago! There was one hymn in particular that I used to run on consid'rible—one o' them masses o' Mozart's—one that I heard *her* sing, Olly; it went something like this," and Jack proceeded to lift his voice in the praise of Our Lady of Sorrows, with a serene unconsciousness to his surroundings, and utter absorption in his theme that would have become the most enthusiastic acolyte. The springs creaked, the wheels rattled, the mare broke, plunged and recovered herself, the light vehicle swayed from side to side, Olly's hat bruised and flattened itself against his shoulder, and still Mr. Hamlin sang. When he had finished he looked down at Olly. She was asleep!

Jack was an artist and an enthusiast, but not unreasonable nor unforgiving. "It's the whiskey," he

murmured to himself, in an apologetic recitation to the air he had just been singing. He changed the reins to his other hand with infinite caution and gentleness, slowly passed his disengaged arm around the swaying little figure, until he had drawn the chip hat and the golden tresses down upon his breast and shoulder. In this attitude, scarcely moving a muscle lest he should waken the sleeping child, at midnight he came upon the twinkling lights of Fiddletown. Here he procured a fresh horse, dispensing with an hostler and harnessing the animal himself, with such noiseless skill and quickness that Olly, propped up in the buggy with pillows and blankets borrowed from the Fiddletown hostelry, slept through it all, nor wakened even after they were again upon the road, and had begun the long ascent of the Wingdam turnpike.

It wanted but an hour of daybreak when he reached the summit, and even then he only slackened his pace when his wheels sank to their hubs in the beaten dust of the stage road. The darkness of that early hour was intensified by the gloom of the heavy pine woods through which the red road threaded its difficult and devious way. It was very still. Hamlin could hardly hear the dead, muffled plunge of his own horse in the dusty track before him, and yet once or twice he stopped to listen. His quick ear detected the sound of voices and the jingle of Mexican spurs, apparently approaching behind him. Mr. Hamlin knew that he had not passed any horseman and was for a moment puzzled. But then he recalled the fact that a few hundred yards beyond, the road was intersected by the "cut-off" to One Horse Gulch, which after running parallel with the Wingdam turnpike for half a mile crossed it in the

forest. The voices were on that road going the same way. Mr. Hamlin pushed on his horse to the crossing, and hidden by the darkness and the trunks of the giant pines pulled up to let the strangers precede him. In a few moments the voices were abreast of him and stationary. The horsemen had apparently halted.

"Here seems to be a road," said a voice, quite audibly.

"All right then," returned another, "it's the 'cut-off.' We'll save an hour, sure."

A third voice here struck in potentially, "Keep the stage road. If Joe Hall gets wind of what's up, he'll run his man down to Sacramento for safe keeping. If he does he'll take this road—it's the only one—sabe?—we can't miss him!"

Jack Hamlin leaned forward breathlessly in his seat. "But it's an hour longer this way," growled the second voice. "The boys will wait," responded the previous speaker; there was a laugh, a jingling of spurs, and the invisible procession moved slowly forward in the darkness.

Mr. Hamlin did not stir a muscle until the voices failed before him in the distance. Then he cast a quick glance at the child; she still slept quietly, undisturbed by the halt or those ominous voices which had brought so sudden a color into her companion's cheek and so baleful a light in his dark eyes. Yet for a moment Mr. Hamlin hesitated. To go forward to Wingdam now would necessitate his following cautiously in the rear of the Lynchers, and so prevent his giving a timely alarm. To strike across to One Horse Gulch by the "cut-off" would lose him the chance of meeting the Sheriff and his prisoner had they been forewarned

and were escaping in time. But for the impediment of the unconscious little figure beside him, he would have risked a dash through the party ahead of him. But that was not to be thought of now. He must follow them to Wingdam, leave the child, and trust to luck to reach One Horse Gulch before them. If they delayed a moment at Wingdam it could be done. A feeling of yearning tenderness and pity succeeded the slight impatience with which he had a moment before regarded his encumbering charge. He held her in his arms, scarcely daring to breathe lest he should waken her—hoping that she might sleep until they reached Wingdam, and that leaving her with his faithful henchman "Pete," he might get away before she was aroused to embarrassing inquiry. Mr. Hamlin had a man's dread of scenes with even so small a specimen of the sex, and for once in his life, he felt doubtful of his own readiness, and feared lest in his excitement he might reveal the imminent danger of her brother. Perhaps he was never before so conscious of that danger; perhaps he was never before so interested in the life of any one. He began to see things with Olly's eye—to look upon events with reference to *her* feelings rather than his own; if she had sobbed and cried this sympathetic rascal really believed that he would have cried too. Such was the unconscious and sincere flattery of admiration. He was relieved, when with the first streaks of dawn, his mare wearily clattered over the scattered river pebbles and "tailings" that paved the outskirts of Wingdam. He was still more relieved when the three Voices of the Night, now faintly visible as three armed horsemen, drew up before the veranda of the Wingdam Hotel, dismounted, and passed

into the bar-room. And he was perfectly content, when a moment later he lifted the still sleeping Olly in his arms and bore her swiftly yet cautiously to his room. To awaken the sleeping Pete on the floor above, and drag him half-dressed and bewildered into the presence of the unconscious child, as she lay on Jack Hamlin's own bed, half buried in a heap of shawls and rugs, was only the work of another moment. "Why Mars Jack! Bress de Lord!—it's a chile!" said Pete, recoiling in sacred awe and astonishment.

"Hold your blasted jaw!" said Jack, in a fierce whisper, "you'll waken her! Listen to me, you chattering idiot. Don't waken her, if you want to keep the bones in your creaking old skeleton whole enough for the doctors to buy. Let her sleep as long as she can. If she wakes up and asks after me, tell her I'm gone for her brother. Do you hear? Give her anything she asks for—except—the Truth! What are you doing, you old fool?"

Pete was carefully removing the mountain of shawls and blankets that Jack had piled upon Olly. "'Fore God, Mars Jack—you's smuddering dat chile!" was his only response. Nevertheless Jack was satisfied with a certain vague tenderness in his manipulation, and said curtly, "Get me a horse!"

"It ain't to be did, Mars Jack; de stables is all gone—cleaned! Dey's a rush over to One Horse Gulch, all day!"

"There are three horses at the door," said Jack, with wicked significance.

"For de love of God, Mars Jack, don't ye do dat!" ejaculated Pete, in unfeigned and tremulous alarm. "Dey don't take dem kind o' jokes yer worth a cent

—dey'd be doin' somefin awful to ye, sah—shuah's yer born!"

But Jack, with the child lying there peaceably in his own bed, and the Three Voices growing husky in the bar-room below, regained all his old audacity. "I haven't made up my mind," continued Jack, coolly, "which of the three I'll take, but you'll find out from the owner when I do! Tell him that Mr. Jack Hamlin left his compliments and a mare and buggy for him. You can say that if he keeps the mare from breaking and gives her her head down hill, she can do her mile inside of 2.45. Hush! not a word! Bye-bye!" He turned, lifted the shawl from the fresh cheek of the sleeping Olly, kissed her, and shaking his fist at Pete, vanished.

For a few moments the negro listened breathlessly. And then there came the sharp, quick clatter of hoofs from the rocky road below, and he sank dejectedly at the foot of the bed. "He's gone—done it! Lord save us! but it's a hangin' matter yer!" And even as he spoke Mr. Jack Hamlin, mounted on the fleet mustang that had been ridden by the Potential Voice, with his audacious face against the red sunrise and his right shoulder squarely advanced, was butting away the morning mists that rolled slowly along the river road to One Horse Gulch.

CHAPTER VI.

Mr. Dumphy is perplexed by a movement in Real Estate.

MR. DUMPHY'S confidence in himself was so greatly restored that several business enterprises of great pith and moment, whose currents for the past few days

had been turned awry, and so "lost the name of action," were taken up by him with great vigor and corresponding joy to the humbler business associates who had asked him just to lend his name to that project, and make a big thing of it." He had just given his royal sanction and a check to an Association for the encouragement of immigration, by the distribution through the sister states of 1,000,000 seductive pamphlets setting forth the various resources and advantages of California for the farmer, and proving that \$150 spent for a passage thither was equal to the price of a farm; he had also assisted in sending the eloquent Mr. Blowhard and the persuasive Mr. Windygust to present these facts orally to the benighted dwellers of the East, and had secured the services of two eminent Californian statisticians to demonstrate the fact that more people were killed by lightning and frozen to death in the streets of New York in a single year than were ever killed by railroad accidents or human violence in California during the past three centuries; he had that day conceived the "truly magnificent plan" of bringing the waters of Lake Tahoe to San Francisco by ditches, thereby enabling the citizens to keep the turf in their door-yards green through the summer. He had started two banks, a stage line and a watering place, whose climate and springs were declared healthful by edict and were aggressively advertised, and he had just projected a small suburban town that should bear his name. He had returned from this place in high spirits with a company of friends in the morning after his interview with Poinsett. There was certainly no trace of the depression of that day in his manner.

It was a foggy morning, following a clear, still night—an atmospheric condition not unusual at that season of the year to attract Mr. Dumphy's attention, yet he was conscious on reaching his office, of an undue oppressiveness in the air that indisposed him to exertion, and caused him to remove his coat and cravat. Then he fell to work upon his morning's mail, and speedily forgot the weather. There was a letter from Mrs. Sepulvida disclosing the fact that, owing to the sudden and unaccountable drying up of the springs on the lower plains, large numbers of her cattle had died of thirst and were still perishing. This was of serious import to Mr. Dumphy, who had advanced money on this perishable stock, and he instantly made a memorandum to check this sudden freak of nature, which he at once attributed to feminine carelessness of management. Further on Mrs. Sepulvida inquired particularly as to the condition of the Conroy mine, and displayed a disposition characteristic of her sex, to realize at once on her investment. Her letter ended thus: "But I shall probably see you in San Francisco. Pepe says that this morning the markings on the beach showed the rise of a tide or wave during the night higher than any ever known since 1800. I do not feel safe so near the beach, and shall rebuild in the Spring." Mr. Dumphy smiled grimly to himself. He had at one time envied Poinsett. But here was the woman he was engaged to marry, careless, improvident, with a vast estate, and on the eve of financial disaster through her carelessness, and yet actually about to take a journey of two hundred miles because of some foolish, womanish whim or superstition. It would be a fine thing if this man, to whom good for-

tune fell without any effort on his part—this easy, elegant, supercilious Arthur Poinsett, who was even indifferent to that good fortune, should find himself tricked and deceived! should have to apply to him, Dumphy, for advice and assistance! And this, too, after his own advice and assistance regarding the claims of Col. Starbottle's client had been futile. The revenge would be complete. Mr. Dumphy rubbed his hands in prospective satisfaction.

When, a few moments later, Col. Starbottle's card was put into his hand Mr. Dumphy's satisfaction was complete. This was the day that the gallant Colonel was to call for an answer; it was evident that Arthur had not seen him, nor had he made the discovery of Starbottle's unknown client. The opportunity of vanquishing this man without the aid or even knowledge of Poinsett was now before him. By way of preparing himself for the encounter, as well as punishing the Colonel, he purposely delayed the interview, and for full five minutes kept his visitor cooling his heels in the outer office.

He was seated at his desk, ostentatiously preoccupied, when Col. Starbottle was at last admitted. He did not raise his head when the door opened, nor in fact until the Colonel, stepping lightly forward, walked to Dumphy's side, and deliberately unhooking his cane from its accustomed rest on his arm, laid it, pronouncedly, on the desk before him. The Colonel's face was empurpled, the Colonel's chest was efflorescent and bursting, the Colonel had the general effect of being about to boil over the top button of his coat, but his manner was jauntily and daintily precise.

"One moment!—a single moment, sir!" he said

with husky politeness. "Before proceeding to business—er—we will devote a single moment to the necessary explanations of—er—er—a gentleman. The kyard now lying before you, sir, was handed ten minutes ago to one of your subordinates. I wish to inquire, sir, if it was then delivered to you?"

"Yes," said Mr. Dumphy, impatiently.

Col. Starbottle leaned over Mr. Dumphy's desk and coolly rung his bell. Mr. Dumphy's clerk instantly appeared at the door. "I wish—" said the Colonel, addressing himself to the astounded employée as he stood loftily over Mr. Dumphy's chair—"I have—er—in fact sent for you, to withdraw the offensive epithets I addressed to you, and the threats—of er—of er—personal violence! The offence—is not yours—but—er—rests with your employer, for whose apology I am—er—now waiting. Nevertheless I am ready, sir, to hold myself at your service—that is—er—of course—after my responsibility—er—with your master—er—ceases!"

Mr. Dumphy, who in the presence of Col. Starbottle felt his former awkwardness return, signed with a forced smile to his embarrassed clerk to withdraw, and said hastily, but with an assumption of easy familiarity, "Sorry, Colonel, sorry, but I was very busy, and am now. No offence. All a mistake, you know! business man and business hours," and Mr. Dumphy leaned back in his chair, and emitted his rare cachinnatory bark.

"Glad to hear it, sir, I accept your apology," said the Colonel, recovering his good humor and his profanity together, "blank me, if I didn't think it was another blank affair like that I had with old Maje Tolliver, of Georgia. Called on him in Washington in

'48 during session. Boy took up my kyard. Waited ten minutes, no reply! Then sent friend, poor Jeff Boomerang, dead now, killed in New Orleans by Ben Pastor—with challenge. Blank me, sir, after the second shot, Maje sends for me, lying thar with hole in both lungs, gasping for breath. 'It's all a blank blunder, Star,' he says, 'boy never brought kyard. Horsewhip the blank nigger for me, Star, for I reckon I wont live to do it,' and died like a gentleman, blank me!"

"What have you got to propose," said Mr. Dumphy, hastily, seeing an opportunity to stop the flow of the Colonel's recollections.

"According to my memory, at our last interview over the social glass in your own house, I think something was said of a proposition coming from you. That is—er" continued the Colonel, loftily, "I hold myself responsible for the mistake, if any."

It had been Mr. Dumphy's first intention to assume the roughly offensive; to curtly inform Col. Starbottle of the flight of his confederate, and dare him to do his worst. But for certain vague reasons he changed his plan of tactics. He drew his chair closer to the Colonel, and clapping his hand familiarly on his shoulder, began:

"You're a man of the world, Starbottle, so am I? *Sabe?* You're a gentleman—so am I," he continued, hastily. "But I'm a business man, and you're not. *Sabe?* Let's understand each other. No offence, you know, but in the way of business. This woman, claiming to be my wife, don't exist—it's all right, you know, I understand. I don't blame *you*, but you've been deceived, and all that sort of thing. I've got the proofs. Now as a man of the world and a gentleman

and a business man, when I say the game's up! you'll understand me. D—n it all! look at that—there!" He thrust into Starbottle's hand the telegram of the preceding day, "There! the man's hung by this time—lynched! The woman's gone!"

Col. Starbottle read the telegram without any perceptible dismay or astonishment. "Conroy! Conroy!—don't know the man. There was a McConroy, of St. Jo, but I don't think it's the same. No, sir! This ain't like him, sir! Don't seem to be a duel, unless he'd posted the man to kill on sight—murder's an ugly word to use to gentlemen. D—n me, sir, I don't know but he could hold the man responsible who sent that dispatch. It's offensive, sir—blank me!"

"And you don't know Mrs. Conroy?" continued Mr. Dumphy, fixing his eyes on Col. Starbottle's face.

"Mrs. Conroy! The wife of the superintendent—one of the blankest, most beautiful women! Good Ged, sir, I do! And I'm dev'lish sorry for her. But what's this got to do with our affair? O! I see, Ged!"—the Colonel suddenly chuckled, drew out his handkerchief, and waved it in the air with deprecatory gallantry, "gossip, sir, all gossip! People will talk! A fine woman! Blank me, if she was inclined to show some attention to Col. Starbottle—Ged, sir, it was no more than other women have. You comprehend, Dumphy, Ged, sir, so the story's got round, eh?—husband's jealous!—killed wrong man! Folks think she's run off with Col. Starbottle, ha! ha! No, sir," he continued, suddenly dropping into an attitude of dignified severity, "You can say that Col. Starbottle branded the story as a blank lie, sir! That whatever might have been the foolish indiscretion of a susceptible sex, Col.

Starbottle will defend the reputation of that lady, sir, with his life—with his life!”

Absurd and ridiculous as this sudden diversion of Col. Starbottle from the point at issue had become, Dumphy could not doubt his sincerity nor the now self-evident fact that Mrs. Conroy was *not* his visitor's mysterious client! Mr. Dumphy felt that his suddenly built up theory was demolished and his hope with it. He was still at the mercy of this conceited braggart and the invisible power behind him—whoever or whatever it might be. Mr. Dumphy was not inclined to superstition, but he began to experience a strange awe of his unknown persecutor, and resolved at any risk to discover who it was. Could it be really his wife?—had not the supercilious Poinsett been himself tricked—or was he not now trying to trick him, Dumphy? Couldn't Starbottle be bribed to expose at least the name of his client? He would try it.

“I said just now you had been deceived in this woman who represents herself to be my wife. I find I have been mistaken in the person who I believed imposed upon you, and it is possible that I may be otherwise wrong. My wife may be alive. I am willing to admit it. Bring her here to-morrow and I will accept it as a fact.”

“You forget that she refuses to see you again,” said Col. Starbottle, “until she has established her claim by process of law.”

“That's so! that's all right old fellow; *we* understand each other. Now, suppose that we business men—as a business maxim, you know—always prefer to deal with principals. Now suppose we even go so far as to do that and yet pay an agent's commissions,

perhaps—you understand me—even a *bonus*. Good! That's business! You understand that as a gentleman and a man of the world. Now, I say, bring me your principal—fetch along that woman, and I'll make it all right with *you*. Stop! I know what you're going to say; you're bound by honor and all that—I understand your position as a gentleman, and respect it. Then let me know where I can find her! Understand—you shan't be compromised as bringing about the interview in any way. I'll see that you're protected in your commissions from your client; and for my part—if a check for five thousand dollars will satisfy you of my desire to do the right thing in this matter, it's at your service."

The Colonel rose to his feet and applied himself apparently to the single and silent inflation of his chest, for the space of a minute. When the upper buttons of his coat seemed to be on the point of flying off with a report, he suddenly extended his hand and grasped Dumphy's with fervor. "Permit me," he said, in a voice husky with emotion, "to congratulate myself on dealing with a gentleman and a man of honor. Your sentiments, sir, blank me, I don't care if I do say it, do you credit! I am proud, sir," continued the Colonel, warmly, "to have made your acquaintance! But I regret to say, sir, that I cannot give you the information you require. I do not myself know the name or address of my client."

The look of half-contemptuous satisfaction which had irradiated Dumphy's face at the beginning of his speech, changed to one of angry suspicion at its close. "That's a d—d queer oversight of yours," he ejaculated, with an expression as nearly insulting as he dared to

make it. Col. Starbottle did not apparently notice the manner of his speech, but drawing his chair close beside Dumphy, he laid his hand upon his arm.

"Your confidence as a man of honor and a gentleman," he began, "demands equal confidence and frankness on my part, and, blank me! Culp. Starbottle of Virginia is not the man to withhold it! When I state that I do *not* know the name or address of my client, I believe, sir, there is no one now living,—blank me, who will—er—er require or—er—deem it necessary for me to repeat the assertion! Certainly not, sir," added the Colonel, lightly waving his hand, "the gentleman who has just honoured me with his confidence and invited mine, blank me. I thank you, sir," he continued, as Mr. Dumphy made a hasty motion of assent, "and will go on."

"It is not necessary for me to name the party who first put me in possession of the facts. You will take my word as a gentleman—er—that it is some one unknown to you, of unimportant position, though of strict respectability, and one who acted only as the agent of my real client. When the case was handed over to me there was also put into my possession a sealed envelope containing the name of my client and principal witness. My injunctions were not to open it until all negotiations had failed and it was necessary to institute legal proceedings. That envelope I have here. You perceive it is unopened!"

Mr. Dumphy unconsciously reached out his hand. With a gesture of polite deprecation Col. Starbottle evaded it, and placing the letter on the table before him, continued. "It is unnecessary to say that—er—there being in my judgment no immediate necessity

for the beginning of a suit—the injunctions still restrain me, and I shall not open the letter. If, however, I accidentally mislay it on this table and it is returned to me to-morrow, sealed as before, I believe, sir, as a gentleman and a man of honor I violate no pledge.”

“I see,” said Mr. Dumphy, with a short laugh.

“Excuse me, if I venture to require another condition, merely as a form among men of honor. Write as I dictate.” Mr. Dumphy took up a pen. Col. Starbottle placed one hand in his honorable breast and began slowly and meditatively to pace the length of the room with the air of a second measuring the distance for his principal. “Are you ready?” “Go on,” said Dumphy, impatiently.

“I hereby pledge myself—er—er—that in the event of any disclosure by me—er—of confidential communications from Col. Starbottle to me, I shall hold myself ready to afford him the usual honourable satisfaction—er—common among gentlemen, at such times or places and with such weapons as he may choose, without further formality of challenge, and that—er—er—failing in that I do thereby proclaim myself, without posting, a liar, poltroon and dastard.”

In the full preoccupation of his dignified composition, and possibly from an inability to look down over the increased exaggeration of his swelling breast, Col. Starbottle did not observe the contemptuous smile which curled the lip of his amanuensis. Howbeit Mr. Dumphy signed the document and handed it to him. Col. Starbottle put it in his pocket. Nevertheless he lingered by Mr. Dumphy’s side.

“The er-er-check,” said the Colonel with a slight

cough, "had better be to your order, indorsed by you—to spare any criticism, hereafter."

Mr. Dumphy hesitated a moment. He would have preferred as a matter of business to have first known the contents of the envelope, but with a slight smile he dashed off the check and handed it to the Colonel. "If er-it would not be too much trouble," said the Colonel jauntily, "for the same reason just mentioned would you give that er-piece of paper to one of your clerks to draw the money for me?"

Mr. Dumphy impatiently, with his eyes on the envelope, rang his bell and handed the check to the clerk, while Col. Starbottle, with an air of abstraction, walked discreetly to the window.

For the rest of Col. Starbottle's life he never ceased to deplore this last act of caution, and regret that he had not put the check in his pocket. For as he walked to the window the floor suddenly appeared to rise beneath his feet and as suddenly sink again, and he was thrown violently against the mantel-piece. He felt sick and giddy. With a terrible apprehension of apoplexy in his whirling brain, he turned toward his companion, who had risen from his seat and was supporting himself by his swinging desk with a panic-stricken face and a pallor equal to his own. In another moment a book-case toppled with a crash to the floor, a loud outcry arose from the outer offices, and amidst the sounds of rushing feet, the breaking of glass, and the creaking of timber, the two men dashed with a common instinct to the door. It opened two inches and remained fixed. With the howl of a caged wild beast Dumphy threw himself against the rattling glass of the window that opened on the level of the street.

In another instant Col. Starbottle was beside him on the sidewalk, and the next they were separated, unconsciously, uncaringly, as if they had been the merest strangers in contact in a crowd. The business that had brought them together, the unfinished, incomplete, absorbing interests of a moment ago were forgotten—were buried in the oblivion of another existence, which had no sympathy with this, whose only instinct was to fly—where they knew not!

The middle of the broad street was filled with a crowd of breathless, pallid, death-stricken men, who had lost all sense but the common instinct of animals. There were hysterical men, who laughed loudly without a cause, and talked incessantly of what they knew not. There were dumb, paralyzed men, who stood helplessly and hopelessly beneath cornices and chimneys that toppled over and crushed them. There were automatic men, who flying, carried with them the work on which they were engaged—one whose hands were full of bills and papers, another who held his ledger under his arm. There were men who had forgotten the ordinary instincts of decency—some half-dressed, one who had flown from a neighboring bath-room with only the towel in his hand that afterward hid his nakedness. There were men who rushed from the fear of death into its presence; two were picked up, one who had jumped through a skylight, another who had blindly leaped from a fourth-story window. There were brave men who trembled like children; there was one whose life had been spent in scenes of daring and danger, who cowered paralyzed in the corner of the room from which a few inches of plastering had fallen. There were hopeful men who believed that the danger

was over, and having passed, would, by some mysterious law, never recur; there were others who shook their heads and said that the next shock would be fatal. There were crowds around the dust that arose from fallen chimneys and cornices, around run-a-way horses that had dashed as madly as their drivers against lamp-posts, around telegraph and newspaper offices eager to know the extent of the disaster. Along the remoter avenues and cross-streets dwellings were deserted, people sat upon their door-steps or in chairs upon the sidewalks, fearful of the houses they had built with their own hands, and doubtful even of this blue arch above them that smiled so deceitfully; of those far-reaching fields beyond, which they had cut into lots and bartered and sold, and which now seemed to suddenly rise against them, or slip and wither away from their very feet. It seemed so outrageous that this dull, patient earth, whose homeliness they had adorned and improved, and which, whatever their other fortune or vicissitudes, at least had been their sure inheritance, should have become so faithless. Small wonder that the owner of a little house, which had sunk on the reclaimed water front, stooped in the speechless and solemn absurdity of his wrath to shake his clenched fist in the face of the Great Mother.

The real damage to life and property had been so slight and in such pronounced contrast to the prevailing terror, that half an hour later only a sense of the ludicrous remained with the greater masses of the people. Mr. Dumphy like all practical, unimaginative men, was among the first to recover his presence of mind with the passing of the immediate danger. People took confidence when this great man, who had so much

to lose, after sharply remanding his clerks and everybody else back to business, reëntered his office. He strode at once to his desk. But the envelope was gone! He looked hurriedly among his papers—on the floor—by the broken window—but in vain.

Mr. Dumphy instantly rang his bell. The clerk appeared.

“Was that draft paid?”

“No, sir, we were counting the money when—”

“Stop it!—return the draft to me.” The young man was confiding to his confrères his suspicions of a probable “run” on the bank as indicated by Mr. Dumphy’s caution, when he was again summoned by Mr. Dumphy. “Go to Mr. Poinsett’s office and ask him to come here at once.” In a few moments the clerk returned out of breath.

“Mr. Poinsett left quarter of an hour ago, sir, for San Antonio.”

“San Antonio!”

“Yes, sir—they say there’s bad news from the Mission.”

CHAPTER VII.

In which both Justice and the Heavens fall.

THE day following the discovery of the murder of Victor Ramirez was one of the intensest excitement in One Horse Gulch. It was not that killing was rare in that pastoral community—foul murder had been done there upon the bodies of various citizens of more or less respectability, and the victim, in the present instance, was a stranger and a man who awakened no personal sympathy, but the suspicion that swiftly and

instantly attached to two such important people as Mr. and Mrs. Conroy—already objects of severe criticism—was sufficient to exalt this particular crime above all others in thrilling interest. For two days business was practically suspended.

The discovery of the murder was made by Sal, who stumbled upon the body of the unfortunate Victor early the next morning during a walk on Conroy's Hill, manifestly in search of the missing man, who had not returned to the hotel that night. A few flippant souls, misunderstanding Miss Clark's interest in the stranger, asserted that he had committed suicide to escape her attentions, but all jocular hypothesis ceased when it became known that Gabriel and his wife had fled. Then came the report that Gabriel had been seen by a passing miner early in the day "shoving" the stranger along the trail with his hand on his collar, and exchanging severe words. Then the willing testimony of Miss Clark that she had seen Mrs. Conroy in secret converse with Victor before the murder; then the unwilling evidence of the Chinaman who had overtaken Gabriel with the letter, but who heard the sounds of quarrelling and cries for help in the bushes after his departure—but this evidence was excluded from the inquest, by virtue of the famous Californian law that a Pagan was of necessity a liar, and that truth only resided in the breast of the Christian Caucasian, and was excluded from the general public for its incompatibility with Gabriel's subsequent flight, and the fact that the Chinaman, being a fool, was probably mistaken in the hour. Then there was the testimony of the tunnel-men to Gabriel's appearance on the hill that night. There was only one important proof not sub-

mitted to the public or the authorities—Mrs. Conroy's note—picked up by Sal, handed to Mrs. Markle and given by her to Lawyer Maxwell. The knowledge of this document was restricted to the few already known to the reader.

A dozen or more theories of the motive of the deed at different hours of the day occupied and disturbed the public mind. That Gabriel had come upon a lover of his wife in the act of eloping with her and had slain him out of hand was the first. That Gabriel had decoyed the man to an interview by simulating his wife's handwriting, and then worked his revenge on his body, was accepted later as showing the necessary deliberation to constitute murder. That Gabriel and his wife had conjointly taken this method to rid themselves of a former lover who threatened exposure was a still later theory. Towards evening when One Horse Gulch had really leisure to put its heads together, it was generally understood that Gabriel and Mrs. Conroy had put out of their way a dangerous and necessarily rightful claimant to that mine which Gabriel had pretended to discover. This opinion was for some time—say two hours—the favorite one, agreeing as it did with the popular opinion of Gabriel's inability to discover a mine himself, and was only modified by another theory that Victor was not the real claimant but a dangerous witness that the Conroys had found it necessary to dispose of. And when, possibly from some unguarded expression of Lawyer Maxwell, it was reported that Gabriel Conroy was an impostor under an assumed name, all further speculation was deemed unnecessary. The coroner's jury brought in a verdict against "John Doe *alias* Gabriel Conroy," and One Horse Gulch

added this injury of false pretence to other grievances complained of. One or two cases of horse-stealing and sluice-robbing in the neighborhood were indefinitely but strongly connected with this discovery. If I am thus particular in citing these evidences of the various gradations of belief in the guilt of the accused, it is because they were peculiar to One Horse Gulch and of course never obtained in more civilized communities.

It is scarcely necessary to say that one person in One Horse Gulch never wavered in her opinion of Gabriel's innocence, nor that that person was Mrs. Markle! That he was the victim of a vile conspiracy—that Mrs. Conroy was the real culprit and had diabolically contrived to fasten the guilt upon her husband, Mrs. Markle not only believed herself, but absolutely contrived to make Lawyer Maxwell and Sal believe also. More than that it had undoubtedly great power in restraining Sal's evidence before the inquest, which that impulsive and sympathetic young woman persisted in delivering behind a black veil and in a suit of the deepest mourning that could be hastily improvised in One Horse Gulch. "Miss Clark's evidence," said the *Silveropolis Messenger*, "although broken by sobs and occasional expressions of indignation against the murderer, strongly impressed the jury as the natural eloquence of one connected with the tenderest ties to the unfortunate victim. It is said that she was an old acquaintance of Ramirez, who was visiting her in the hope of inducing her to consent to a happy termination of a lifelong courtship, when the dastard hand of the murderer changed the bridal wreath to the veil of mourning. From expressions that dropped from the witness's lips,

although restrained by natural modesty, it would not be strange if jealousy were shown to be one of the impelling causes. It is said that previous to his marriage the alleged Gabriel Conroy was a frequent visitor at the house of Miss Clark." I venture to quote this extract not so much for its suggestion of a still later theory in the last sentence, as for its poetical elegance, and as an offset to the ruder record of the *One Horse Gulch Banner*, which I grieve to say was as follows: "Sal was no slouch of a witness. Rigged out in ten yards of Briggs' best black glazed muslin, and with a lot of black mosquito netting round her head, she pranced round the stand like a skittish hearse horse in fly-time. If Sal calculates to go into mourning for every man she has to sling hash to, we'd recommend her to buy up Briggs' and take one of Pat Hoolan's carriages for the season. There is a strong feeling among men whose heads are level that this Minstrel Variety Performance is a bluff of the *Messenger* to keep from the public the real motives of the murder, which it is pretty generally believed concerns some folks a little higher-toned than Sal. We mention no names, but we would like to know what the Editor of the *Messenger* was doing in the counting room of one of Pete Dumphy's emissaries at 10 o'clock last evening. Looking up his bank account, eh? What's the size of the figures to-day? You hear us!"

At 1 o'clock that morning the Editor of the *Messenger* fired at the Editor of the *Banner* and missed him. At half-past one two men were wounded by pistol shots in a difficulty at Briggs' warehouse—cause not stated. At nine o'clock half a dozen men lounged down the main street and ascended the upper loft of

Briggs' warehouse. In ten or fifteen minutes a dozen more from different saloons in the town lounged as indifferently in the direction of Briggs', until at half-past 9 the assemblage in the loft numbered fifty men. During this interval a smaller party had gathered apparently as accidentally and indefinitely as to purpose, on the steps of the little two-story brick Court House in which the prisoner was confined. At ten o'clock a horse was furiously ridden into town, and dropped exhausted at the outskirts. A few moments later a man hurriedly crossed the plaza toward the Court House. It was Mr. Jack Hamlin. But the Three Voices had preceded him, and from the steps of the Court House were already uttering the Popular mandate.

It was addressed to a single man. A man who, deserted by his *posse*, and abandoned by his friends, had for the last twelve hours sat beside his charge, tireless, watchful, defiant and resolute—Joe Hall, the Sheriff of Calaveras! He had been waiting for this summons, behind barricaded doors, with pistols in his belt, and no hope in his heart; a man of limited ideas and restricted resources, constant only to one intent—that of dying behind those bars, in defence of that legal trust, which his office and an extra fifty votes at the election only two months before had put into his hands. It had perplexed him for a moment that he heard the voices of some of these voters below him clamoring against him, but above their feebler pipe always rose another mandatory sentence, "We command you to take and safely keep the body of Gabriel Conroy," and being a simple man the recollection of the quaint phraseology strengthened him and cleared his mind. Ah me, I fear he had none of the external

marks of a hero; as I remember him he was small, indistinctive, and fidgety, without the repose of strength; a man who at that extreme moment chewed tobacco and spat vigorously on the floor; who tweaked the ends of his scanty beard, paced the floor and tried the locks of his pistols. Presently he stopped before Gabriel and said, almost fiercely, "You hear that? they're coming!"

Gabriel nodded. Two hours before when the contemplated attack of the Vigilance Committee had been revealed to him he had written a few lines to Lawyer Maxwell, which he intrusted to the sheriff. He had then relapsed into his usual tranquility—serious, simple, and when he had occasion to speak, diffident and apologetic.

"Are you going to help me?" continued Hall.

"In course," said Gabriel, in quiet surprise, "ef *you* say so. But don't ye do now't ez would be gettin' yourself into troubil along o' me. I ain't worth it. Maybe it 'ud be jest as square ef ye handed me over to them chaps out yer—allowin' I was a heep o' troubil to you—and reckonin' you'd about hed *your sheer* o' the keer o' me, and kinder passin' me round. But ef you *do* feel obligated to take keer' o' me, ez hevin' promised the jedges and jury" (it is almost impossible to convey the gentle deprecatoriness of Gabriel's voice and accent at this juncture), "why," he added, "I'm with ye. I'm thar! You understand me!" He rose, slowly, and with quiet but powerfully significant deliberation placed the chair he had been sitting on back against the wall. The tone and act satisfied the sheriff. The seventy-four gun ship, Gabriel Conroy, was clearing the decks for action.

There was an ominous lull in the outcries below,

and then the solitary lifting up of a single voice, the Potential Voice of the night before! The sheriff walked to a window in the hall and opened it. The besieger and besieged measured each other with a look. Then came the Homeric chaff:—

“Git out o’ that, Joe Hall, and run home to your mother. She’s getting oneasy about ye!”

“The h—ll you say!” responded Hall, promptly, “and the old woman in such a hurry she had to borry Al. Barker’s hat and breeches to come here! Run home, old gal, and don’t parse yourself off for a man agin!”

“This ain’t no bluff, Joe Hall! Why don’t ye call Yer’s fifty men; the returns are agin ye, and two precincts yet to hear from.” (This was a double thrust: at Hall’s former career as a gambler, and the closeness of his late election vote.)

“All right, send ’em up by express—mark ’em C. O. D.” (The previous speaker was the expressman.)

“Blank you! Git!”

“Blank you! Come on!”

Here there was a rush at the door, the accidental discharge of a pistol, and the window was slammed down. Words ceased, deeds began.

A few hours before, Hall had removed his prisoner from the uncertain tenure and accessible position of the cells below to the open court-room of the second floor, inaccessible by windows, and lit by a skylight in the roof, above the reach of the crowd, whose massive doors were barricaded by benches and desks. A smaller door at the side, easily secured, was left open for reconnoitering. The approach to the court room was by a narrow stairway, half-way down whose length, Gabriel had thrust the long court-room table as a bar-

ricade to the besiegers. The lower outer door, secured by the sheriff, after the desertion of his underlings, soon began to show signs of weakening under the vigorous battery from without. From the landing the two men watched it eagerly. As it slowly yielded, the sheriff drew back toward the side door and beckoned Gabriel to follow; but with a hasty sign Gabriel suddenly sprang forward, and dropped beneath the table as the door with a crash fell inward, beaten from its hinges. There was a rush of trampling feet to the stairway, a cry of baffled rage over the impeding table, a sudden scramble up and upon it, and then, as if on its own volition, the long table suddenly reared itself on end, and staggering a moment toppled backward with its clinging human burden, on the heads of the thronging mass below. There was a cry, a sudden stampede of the Philistines to the street, and Samson rising to his feet, slowly walked to the side door, and re-entered the court room. But at the same instant an agile besieger who, unnoticed, had crossed the Rubicon, darted from his concealment, and dashed by Gabriel into the room. There was a shout from the sheriff, the door was closed hastily, a shot, and the intruder fell. But the next moment he staggered to his knees, with outstretched hands, "Hold up! I'm yer to help ye!"

It was Jack Hamlin! haggard, dusty, grimy; his gay feathers bedraggled, his tall hat battered, his spotless shirt torn open at the throat, his eyes and cheeks burning with fever, the blood dripping from the bullet wound in his leg, but still Jack Hamlin, strong and audacious. By a common instinct both men dropped their weapons, ran and lifted him in their arms.

"There—shove that chair under me! that'll do," said Hamlin, coolly. "We're even now, Joe Hall; that shot wiped out old scores, even if it has crippled me, and lost ye my valuable aid! Dry up! and listen to me, and then leave me here! There's but one way of escape. It's up there!" (he pointed to the skylight) "the rear wall hangs over the Wingdam ditch and gully. Once on the roof you can drop over with this rope, which you must unwind from my body, for I'm d—d if I can do it myself. Can you reach the skylight?"

"There's a step-ladder from the gallery," said the sheriff, joyously, "but won't they see us, and be prepared?"

"Before they can reach the gulley by going round, you'll be half a mile away in the woods. But what in blank are you waitin' for? Go! You can hold on here for ten minutes more if they attack the same point; but if they think of the skylight and fetch ladders you're gone in! Go!"

There was another rush on the staircase without; the surging of an immense wave against the heavy folding doors, the blows of pick and crowbar, the gradual yielding of the barricade a few inches, and the splintering of benches by a few pistol shots fired through the springing crevices of the doors. And yet the sheriff hesitated. Suddenly Gabriel stooped down, lifted the wounded man to his shoulder as if he had been an infant, and beckoning to the sheriff started for the gallery. But he had not taken two steps before he staggered and lapsed heavily against Hall, who, in his turn, stopped and clutched the railing. At the same moment the thunder of the besiegers seemed to in-

crease, not only the door, but the windows rattled, the heavy chandelier fell with a crash, carrying a part of the plaster and the elaborate cornice with it, a shower of bricks fell through the skylight, and a cry, quite distinct from anything heard before, rose from without. There was a pause in the hall, and then the sudden rush of feet down the staircase, and all was still again. The three men gazed in each other's whitened faces. "An earthquake," said the sheriff. "So much the better," said Jack. "It gives us time, forward!"

They reached the gallery and the little step-ladder that led to a door that opened upon the roof, Gabriel preceding with his burden. There was another rush up the staircase without the court room, but this time there was no yielding in the door; the earthquake that had shaken the foundations and settled the walls had sealed it firmly!

Gabriel was first to step out on the roof, carrying Jack Hamlin. But as he did so another thrill ran through the building and he dropped on his knees to save himself from falling, while the door closed smartly behind him. In another moment the shock had passed and Gabriel putting down his burden, turned to open the door for the Sheriff. But to his alarm it did not yield to his pressure; the earthquake had sealed it as it had the door below, and Joe Hall was left a prisoner.

It was Gabriel's turn to hesitate and look at his companion. But Jack was gazing into the street below. Then he looked up and said, "We must go on now, Gabriel,—for—for *they've got a ladder!*"

Gabriel rose again to his feet and lifted the wounded man. The curve of the domed roof was slight; in the centre, on a rough cupola or base, the figure of Justice,

fifteen feet high, rudely carved in wood, towered above them with drawn sword and dangling scales. Gabriel reached the cupola and crouched behind it, as a shout arose from the street below that told he was discovered. A few shots were fired, one bullet imbedded itself in the naked blade of the Goddess, and another with cruel irony, shattered the equanimity of her Balance. "Unwind the cord from me," said Hamlin. Gabriel did so. "Fasten one end to the chimney or the statue." But the chimney was leveled by the earthquake, and even the statue was trembling on its pedestal. Gabriel secured the rope to an iron girder of the skylight and crawling on the roof dropped it cautiously over the gable. But it was several feet too short—too far for a cripple to drop! Gabriel crawled back to Hamlin. "You must go first," he said quietly, "I will hold the rope over the gable. You can trust me."

Without waiting for Hamlin's reply he fastened the rope under his arms and half-lifted, half-dragged him to the gable. Then pressing his hand silently, he laid himself down and lowered the wounded man safely to the ground. He had recovered the rope again and crawling to the cupola, was about to fasten the line to the iron girder when something slowly rose above the level of the roof beyond him. The uprights of a ladder!

The Three Voices had got tired of waiting a reply to their oft reiterated question, and had mounted the ladder by way of forcing an answer at the muzzles of their revolvers. They reached the level of the roof, one after another, and again propounded their inquiry. And then as it seemed to their awe-stricken fancy, the only figure there—the statue of Justice—awoke to their appeal. Awoke! leaned towards them; advanced its

awful sword and shook its broken balance, and then toppling forward with one mighty impulse, came down upon them, swept them from the ladder and silenced the Voices forever! And from behind its pedestal Gabriel arose, panting, pale, but triumphant.

CHAPTER VIII.

In tenebris servare fidem.

ALTHOUGH a large man, Gabriel was lithe and active, and dropped the intervening distance, where the rope was scant, lightly, and without injury. Happily the falling of the statue was looked upon as the result of another earthquake shock, and its disastrous effect upon the storming party, for a while checked the attack. Gabriel lifted his half-fainting ally in his arms, and gaining the friendly shelter of the ditch, in ten minutes was beyond the confines of One Horse Gulch, and in the shadow of the pines of Conroy's Hill. There were several tunnel openings only known to him. Luckily the first was partly screened by a fall of rock loosened by the earthquake from the hill above, and satisfied that it would be unrecognized by any eye less keen than his own, Gabriel turned into it with his fainting burden. And it was high time. For the hemorrhage from Jack Hamlin's wound was so great that that gentleman, after a faint attempt to wave his battered hat above his dishevelled curls, suddenly succumbed, and lay as cold and senseless and beautiful as a carven Apollo.

Then Gabriel stripped him, and found an ugly hole in his thigh that had narrowly escaped traversing the femoral artery, and set himself about that rude

surgery which he had acquired by experience, and that more delicate nursing which was instinctive with him. He was shocked at the revelation of a degree of emaciation in the figure of this young fellow that he had not before suspected. Gabriel had nursed many sick men, and here was one who clearly ought to be under the doctor's hands, economizing his vitality as a sedentary invalid, who had shown himself to him hitherto only as a man of superabundant activity and animal spirits. Whence came the power that had animated this fragile shell? Gabriel was perplexed; he looked down upon his own huge frame with a new and sudden sense of apology and depreciation, as if it were an offence to this spare and bloodless Adonis.

And then with an infinite gentleness, as of a young mother over her new-born babe, he staunched the blood and bound up the wounds of his new friend, so skilfully that he never winced and with a peculiar purring accompaniment that lulled him to repose. Once only, as he held him in his arms, did he change his expression, and that was when a shadow and a tread—perhaps of a passing hare or squirrel—crossed the mouth of his cave, when he suddenly caught the body to his breast with the fierceness of a lioness interrupted with her cubs. In his own rough experience he was much awed by the purple and fine linen of this fine gentleman's underclothing—not knowing the prevailing habits of his class—and when he had occasion to open his bosom to listen to the faint beatings of his heart, he put aside with great delicacy and instinctive honor a fine gold chain from which depended some few relics and keepsakes which this scamp wore. But one was a photograph, set in an open locket, that he could not

fail to see, and that at once held him breathless above it. It was the exact outline and features of his sister Grace, but with a strange shadow over that complexion which he remembered well as beautiful, that struck him with superstitious awe. He scanned it again eagerly. "Maybe it was a dark day when she sot!" he murmured softly to himself, "maybe it's the light in this yer tunnel; maybe the heat o' this poor chap's buzzum hez kinder turned it. It ain't measles, fur she hed 'em along o' Olly." He paused and looked at the unconscious man before him, as if trying to connect him with the past. "No," he said simply, with a resigned sigh, "it's agin reason! She never knowed him! It's only my foolishness, and my thinkin' and thinkin' o' her so much. It's another gal, and none o' your business, Gabe, and you a' prying inter another man's secrets, and takin' advantage of him when he's down." He hurriedly replaced it in his companion's bosom, and closed the collar of his shirt, as Jack's lips moved. "Pete!" he called, feebly.

"It's his pardner, maybe he's callin' on," said Gabriel to himself; then aloud, with the usual, comforting professional assent. "In course, Pete, surely! He's coming, right off—he'll be yer afore you know it."

"Pete," continued Jack, forcibly, "take the mare off my leg, she's breaking it! Don't you see? She's stumbled! D—n it, quick? I'll be late. They'll string him up before I get there!"

In a moment Gabriel's stout heart sank. If fever should set in—if he should become delirious, they would be lost. Providentially, however, Jack's aberration was only for a moment; he presently opened his black eyes and stared at Gabriel. Gabriel smiled as-

suringly. "Am I dead and buried," said Jack, gravely, looking around the dark vault, "or have I got 'em again."

"Ye wuz took bad fur a minit—that's all," said Gabriel, reassuringly, much relieved himself, "yer all right now!"

Hamlin tried to rise but could not. "That's a lie," he said, cheerfully. "What's to be done?"

"Ef you'd let me hev my say, without gettin' riled," said Gabriel, apologetically, "I'd tell ye. Look yer," he continued, persuasively, "ye ought to hev a doctor afore thet wound gets inflamed; and ye ain't goin' to get one, bein' packed round by me. Now don't ye flare up, but harkin! Allowin' I goes out to them chaps ez is huntin' us, and sez, 'look yer, you kin take me, provided ye don't bear no malice agin my friend, and you sends a doctor to fetch him outer the tunnel.' Don't yer see, they can't prove anythin' agin ye, anyway," continued Gabriel, with a look of the intensest cunning, "I'll swear I took you pris'ner, and Joe won't go back on his shot."

In spite of his pain and danger this proposition afforded Jack Hamlin apparently the largest enjoyment. "Thank ye," he said, with a smile, "but as there's a warrant, by this time, out against me for horse stealing, I reckon I won't put myself in the way of their nursing. They might forgive you for killing a Mexican of no great market value, but they ain't goin' to extend the right hand of fellowship to me after running off their ringleader's mustang! Particularly when that animal's foundered and knee-sprung. No, sir!"

Gabriel stared at his companion without speaking.

"I was late coming back with Olly to Wingdam. I

had to swap the horse and buggy for the mare without having time to arrange particulars with the owner. I don't wonder you're shocked," continued Jack, mischievously, affecting to misunderstand Gabriel's silence, "but thet's me. Thet's the kind of company you've got into. Procrastination and want of punctuality has brought me to this. Never procrastinate, Gabriel. Always make it a point to make it a rule, never to be late at the Sabbath school!"

"Ef I hed owt to give ye," said Gabriel, ruefully, "a drop o' whiskey, or suthin to keep up your stren'th!"

"I never touch intoxicating liquors without the consent of my physician," said Jack, gravely, "they're too exciting! I must be kept free from all excitement. Something soothing, or sedentary like this," he added, striking his leg. But even through his mischievous smile his face paled, and a spasm of pain crossed it.

"I reckon we'll hev to stick yer ontill dark," said Gabriel, "and then strike acrost the gully to the woods on Conroy's Hill. Ye'll be easier thar, and we're safe ontill sun-up, when we kin hunt another tunnel. Thar ain't no choice," added Gabriel, apologetically.

Jack made a grimace, and cast a glance around the walls of the tunnel. The luxurious scamp missed his usual comfortable surroundings. "Well," he assented with a sigh, "I suppose the game's made anyway! and we've got to stick here like snails on a rock for an hour yet. Well," he continued, impatiently, as Gabriel, after improvising a rude couch for him with some withered pine tassels gathered at the mouth of the tunnel, set down beside him; "are you goin' to bore me to death, now that you've got me here—sittin' there like an owl. Why don't you say something?"

"Say, what?" asked Gabriel, simply.

"Anything! Lie if you want to; only talk!"

"I'd like to put a question to ye, Mr. Hamlin," said Gabriel with great gentleness,—“allowin’ in course, ye’ll answer or no jest ez is agree’ble to ye—reckonin’ it’s no business o’ mine nor pryin’ into secrets, ony jess to pass away the time until sun-down. When you was tuk bad a spell ago, unloosin’ yer shirt thar, I got to see a picter that ye hev around yer neck. I ain’t askin’ who nor which it is—but ony this—ez thet—thet—thet young woman dark-complected ez that picter allows her to be?”

Jack’s face had recovered its color by the time that Gabriel had finished, and he answered promptly, “A d—d sight more so! Why, that picture’s fair alongside of her!”

Gabriel looked a little disappointed. Hamlin was instantly up in arms. “Yes, sir—and when I say that,” he returned, “I mean, by thunder, that the whitest faced-woman in the world don’t begin to be as handsome. Thar ain’t an angel that she couldn’t give points to and beat! That’s *her* style! It don’t,” continued Mr. Hamlin, taking the picture from his breast, and wiping its face with his handkerchief—“it don’t begin to do her justice. What,” he asked suddenly and aggressively, “have *you* got to say about it, any way?”

“I reckoned it kinder favored my sister Grace,” said Gabriel submissively. “Ye didn’t know her, Mr. Hamlin? She was lost sence ’49—thet’s all!”

Mr. Hamlin measured Gabriel with a contempt that was delicious in its sublime audacity and unconsciousness. “Your sister?” he repeated, “that’s a healthy

lookin' *sister* of such a man as you—ain't it? Why look at it," roared Jack, thrusting the picture under Gabriel's nose, "Why it's—it's a *lady*!"

"Ye mustn't jedge Gracey by me, nor even Olly," interposed Gabriel gently, evading Mr. Hamlin's contempt.

But Jack was not to be appeased. "Does your sister sing like an angel, and talk Spanish like Governor Alvarado; is she connected with one of the oldest Spanish families in the state; does she run a rancho and thirty square leagues of land, and is Dolores Salvatierra her nickname? Is her complexion like the young bark of the *madroño*—the most beautiful thing ever seen—did every other woman look chalky beside her, eh?"

"No!" said Gabriel with a sigh—"it was just my foolishness, Mr. Hamlin. But seein' that picter, kinder—"

"I stole it," interrupted Jack with the same frankness. "I saw it in her parlor, on the table, and I froze to it when no one was looking. Lord, *she* wouldn't have given it to *me*. I reckon those relatives of hers would have made it very lively for me if they'd suspected it. Hoss stealing ain't a circumstance to this, Gabriel," said Jack with a reckless laugh. Then with equal frankness, and a picturesque freedom of description he related his first and only interview with Doña Dolores. I am glad to say that this scamp exaggerated, if anything, the hopelessness of his case, dwelt but slightly on his own services, and concealed the fact that Doña Dolores had even thanked him. "You can reckon from this the extent of my affection for that Johnny Ramirez, and why I just froze to you when I heard you'd dropped him. But come now, it's your deal; tell

us all about it. The boys put it up that he was hangin' round your wife,—and you went for him for all he was worth. Go on—I'm waiting,—and" added, Jack as a spasm of pain passed across his face, "and aching to that degree that I'll yell if you don't take my mind off it."

But Gabriel's face was grave and his lips silent as he bent over Mr. Hamlin to adjust the bandages. "Go on," said Jack darkly, "or I'll tear off these rags and bleed to death before your eyes. What are you afraid of? I know all about your wife—you can't tell me anything about her. Didn't I spot her in Sacramento—before she married you—when she had this same Chilino, Ramirez on a string. Why, she's fooled him as she has you. You ain't such a blasted fool as to be stuck after her still, are you?" and Jack raised himself on his elbow the more intently to regard this possibly transcendent idiot.

"You was speakin' o' this Mexican, Ramirez," said Gabriel after a pause, fixing his now clear and untroubled eyes on his interlocutor.

"Of course," roared out Jack, impatiently, "did you think I was talking of ——?" Here Mr. Hamlin offered a Name that suggested the most complete and perfect antithesis known to modern reason.

"I didn't kill him!" said Gabriel quietly.

"Of course not," said Jack promptly. "He sorter stumbled and fell over on your bowie knife as you were pickin' your teeth with it. But go on—how did you do it; where did you spot him. Did he make any fight; has he got any sand in him?"

"I tell ye I didn't kill him!"

"Who did then?" screamed Jack, furious with pain and impatience.

"I don't know—I reckon—that is"—and Gabriel stopped short with, a wistful, perplexed look at his companion.

"Perhaps, Mr. Gabriel Conroy," said Jack with sudden coolness and deliberation of speech, and a baleful light in his dark eyes, "perhaps you'll be good enough to tell me what this means—what *is* your little game? Perhaps you'll kindly inform me what I'm lying here crippled for? what you were doing up in that Court House, when you were driving those people crazy with excitement; what you're hiding here in this blank family vault for; and maybe, if you've got time, you'll tell me what was the reason I made that pleasant little trip to Sacramento. I know I required the exercise, and then there was the honor of being introduced to your little sister—but perhaps you'll tell me **WHAT IT WAS FOR!**"

"Jack," said Gabriel, leaning forward, with a sudden return of his old trouble and perplexity, "I thought *she* did it! and thinkin' that—when they asked me—I took it upon *myself!* I didn't allow to ring *you* into this, Jack! I thought—I thought—thet—it 'ud all be one—thet they'd hang me up afore this—I did, Jack, honest!"

"And you didn't kill Ramirez?"

"No."

"And you reckoned your wife did?"

"Yes."

"And you took the thing on yourself?"

"I did."

"*You* did!"

"I did."

"**You DID?**"

"I did!"

Mr. Hamlin rolled over on his back, and began to whistle "When the Spring-time comes, Gentle Annie!" as the only way of expressing his inordinate contempt for the whole proceeding.

Gabriel slowly slid his hand under Mr. Hamlin's helpless back, and under pretext of arranging his bandages, lifted him in his arms like a truculent babe, "Jack," he said softly, "ef thet picter of yours—thet colored woman—"

"Which!" said Jack fiercely.

"I mean—thet purty creature,—ef she and you hed been married, and you'd found out accidental like that she'd fooled ye—more belike Jack," he added hastily, "o' your own foolishness—than her little game—and—"

"*That* woman was a lady" interrupted Jack, savagely, "and your wife's a—" But he paused, looking into Gabriel's face, and then added, "O git! will you! Leave me alone! 'I want to be an angel and with the angels stand.'"

"And thet woman hez a secret," continued Gabriel unmindful of the interruption, "and bein' hounded by the man az knows it, up and kills him, ye wouldn't let thet woman—thet poor pooty creeture—suffer for it! No Jack! Ye would rather pint your own toes up to the sky, than do it. It ain't in ye, Jack, and it ain't in me, so help me God!"

"This is all very touching, Mr. Conroy, and does credit, sir, to your head and heart, and I kin feel it drawing Hall's ball outer my leg while you're talkin'," said Jack with his black eyes evading Gabriel's and wandering to the entrance of the tunnel. "What time is it, you d—d old fool, ain't it dark enough yet to git

outer this hole?" He groaned and after a pause added fiercely, "How do you know your wife did it?" Gabriel swiftly, and for him, even concisely, related the events of the day from his meeting with Ramirez in the morning, to the time that he had stumbled upon the body of Victor Ramirez on his return to keep the appointment at his wife's written request. Jack only interrupted him once to inquire why, after discovering the murder, he had not gone on to keep his appointment? "I thought it wan't of no use," said Gabriel simply, "I didn't want to let her see I knowd it." Hamlin groaned, "If you had you would have found her in the company of the man who *did* do it, you daddering old idiot!" "What man," asked Gabriel. "The first man you saw your wife with that morning; the man I ought to be helping now, instead of lyin' here." "You don't mean to allow, Jack, ez you reckon she *didn't* do it?" asked Gabriel in alarm. "I do," said Hamlin, coolly. "Then what did she reckon to let on by thet note?" said Gabriel with a sudden look of cunning. "Don't know," returned Jack, "like as not being a d—d fool, you didn't read it right! hand it over and let me see it." Gabriel: (hesitatingly) "I—can't!" Hamlin: "you can't?" Gabriel: (apologetically) "I tore it up!" Hamlin: (with frightful deliberation) "YOU DID?" "I did" Jack: (after along and crushing silence) "Were you ever under medical treatment for these spells?" Gabriel, (with great simplicity and submission) "They allers used to allow I waz queer." Hamlin: (after another pause) "Has Pete Dumphy got anything agin you?" Gabriel: (surprisedly) "No." Hamlin: (languidly) "It was his right hand man, his agent at Wingdam that started up the Vigilantes! I heard him, and saw him

in the crowd hounding 'em on." Gabriel, (simply) "I reckon your out thar, Jack, Dumphy's my friend. It was him that first gin me the money to open this yer mine. And I'm his superintendent!" Jack: "O!" (after another pause) "Is there any first-class Lunatic Asylum in this county where they would take in two men, one an incurable, and the other sufferin' from a gun-shot wound brought on by playin' with fire arms?" Gabriel (with a deep sigh) "Ye mustn't talk, Jack, ye must be quiet till dark." Jack dragged down by pain, and exhausted in the intervals of each paroxysm was quiescent.

Gradually, the faint light that had filtered through the brush and debris before the tunnel faded quite away, and a damp charnel-house chill struck through the limbs of the two refugees and made them shiver; the flow of water from the dripping walls seemed to have increased; Gabriel's experienced eye had already noted that the earthquake had apparently opened seams in the gulley and closed up one of the leads. He carefully laid his burden down again, and crept to the opening. The distant hum of voices and occupation had ceased, the sun was setting; in a few moments, calculating on the brief twilight of the Mountain region, it would be dark, and they might with safety leave their hiding place. As he was returning, he noticed a slant beam of light, hitherto unobserved, crossing the tunnel from an old drift. Examining it more closely, Gabriel was amazed to find that during the earthquake a "cave" had taken place in the drift, possibly precipitated by the shock, disclosing the more surprising fact that there had been a previous slight but positive excavation on the hillside, above the tunnel, that

antedated any record of One Horse Gulch known to Gabriel. He was perfectly familiar with every foot of the hillside, and the existence of this ancient prospecting "hole" had never been even suspected by him. While he was still gazing at the opening his foot struck against some glittering metallic substance. He stooped and picked up a small tin can, not larger than a sardine box hermetically sealed and soldered, in which some inscription had been traced but which the darkness of the tunnel preventing his deciphering. In the faint hope that it might contain something of benefit to his companions, Gabriel returned to the opening and even ventured to step beyond its shadow. But all attempts to read the inscription were in vain. He opened the box with a sharp stone; it contained, to his great disappointment, only a memorandum book and some papers. He swept them into the pockets of his blouse, and reëntered the tunnel. He had not been absent altogether more than five minutes but when he reached the place where he had left Jack, he was gone!

CHAPTER IX.

In which Hector arises from the Ditch.

HE stood for a moment breathless and paralyzed with surprise; then he began slowly and deliberately to examine the tunnel step by step. When he had proceeded a hundred feet from the spot to his great relief he came upon Jack Hamlin, sitting upright in a side drift. His manner was feverish and excited, and his declaration that he had not moved from the place where Gabriel had left him, at once was accepted by

the latter as the aberration of incipient inflammation and fever. When Gabriel stated that it was time to go, he replied, "Yes," and added with such significance that his business with the murderer of Victor Ramirez was now over, and that he was ready to enter the Lunatic Asylum at once, that Gabriel with great precipitation lifted him in his arms and carried him without delay from the tunnel. Once more in the open air the energies of both men seemed to rally; Jack became as a mere feather in Gabriel's powerful arms and even forgot his querulous opposition to being treated as a helpless child, while Gabriel trod the familiar banks of the ditch, climbed the long ascent and threaded the aisles of the pillared pines of Reservoir Hill with the free experienced feet of the mountaineer. Here Gabriel knew he was safe until daybreak, and gathered together some withered pine boughs and its fragrant tassels for a couch for his helpless companion. And here, as he feared, fever set in; the respiration of the wounded man grew quick and hurried; he began to talk rapidly and incoherently, of Olly, of Ramirez, of the beautiful girl whose picture hung upon his breast, of Gabriel himself, and finally of a stranger who was, as it seemed to him, his sole auditor, the gratuitous coinage of his excited fancy. Once or twice he raised his voice to a shout, and then to Gabriel's great alarm suddenly he commenced to sing, and before Gabriel could place his hand upon his mouth, he had trolled out the verse of a popular ballad. The rushing river below them, gurgled, beat its bars, and sang an accompaniment, the swaying pine sighed and creaked in unison, the patient stars above them stared and bent breathlessly, and then to Gabriel's

exalted consciousness, an echo of the wounded man's song arose from the gulch below! For a moment he held his breath with an awful mingling of joy and fear. Was he going mad too? or was it really the voice of little Olly? The delirious man beside him answered his query with another verse; the antiphonal response rose again from the valley. Gabriel hesitated no longer, but with feverish hands gathered a few dried twigs and pine cones into a pile, and touched a match to them. At the next moment they flashed a beacon to the sky, in another there was a crackling of the underbrush and the hurried onset of two figures, and before the slow Gabriel could recover from his astonishment, Olly flew, panting, to his arms, while her companion, the faithful Pete, sank breathlessly beside his wounded and insensible master.

Olly was first to find her speech. That speech, after the unfailing instincts of her sex, in moments of excitement, was the instant arraignment of somebody else as the cause of that excitement, and at once put the whole universe on the defensive.

"Why didn't you send word where you was," she said, impatiently, "and wot did you have it so dark for, and up a steep hill, and leavin' me alone at Wingdam, and why didn't you call without singin'?"

And then Gabriel, after the fashion of *his* sex, ignored all but the present, and holding Olly in his arms, said, "It's my little girl, ain't it, come to her own brother Gabe! bless her!" Whereat Mr. Hamlin, after the fashion of lunatics of any sex, must needs be consistent, and break out again into song. "He's looney, Olly, what with fever along o' bein' shot in the leg a' savin' me, ez izn't worth savin'," explained Gabriel,

apologetically, "It was him ez did the singin'." Then Olly still following the feminine instinct, at once deserted conscious rectitude for indefensible error, and flew to Mr. Hamlin's side. "O, where is he hurt, Pete? is he goin' to die?" And Pete, suspicious of any medication but his own, replied doubtfully, "He looks bad, Miss Olly, dats a fac—but now bein' in my han's, bress de Lord A'mighty, and we able to minister to him, we hopes fur de bess. Your brudder meant well, is a fair meanin' man, Miss—a toll'able nuss, but he ain't got the peerfeshn'l knowledge dat Mars Jack in de habit o' gettin'." Here Pete unslung from his shoulders a wallet, and proceeded to extract therefrom a small medicine case, with the resigned air of the family physician, who has been called full late to remedy the practice of rustic empiricism.

"How did ye come yer?" asked Gabriel of Olly, when he had submissively transferred his wounded charge to Pete. "What made ye allow I was hidin' yer? How did ye reckon to find me? but ye was allus peart and onhanded, Olly," he suggested, gazing admiringly at his sister.

"When I woke up at Wingdam, after Jack went away, who should I find, Gabe, but Lawyer Maxwell standin' thar, and askin' me a heap o' questions. I supposed you'd been makin' a fool o' yourself agin, Gabe, and afore I let on thet I knowed a word, I jist made him tell me everythin' about you, Gabe, and it was orful! and you bein' arrested fur murder, ez wouldn't harm a fly, let alone that Mexican ez I never liked, Gabe, and all this comes of tendin' his legs instead o' lookin' arter me. And all them questions waz about July, and whether she wasn't your enemy,

and if they ever waz a woman, Gabe, ez waz sweet on you, you know it was July! And all thet kind o' foolishness! And then when he couldn't git ennythin' out o' me agin July, he allowed to Pete that he must take me right to you, fur he said they was talk o' the Vigilantes gettin' hold o' ye afore the trial, and he was goin' to get an order to take you outer the county, and he reckoned they wouldn't dare to tech ye if I waz with ye, Gabe—and I'd like to see 'em try it! and he allowed to Pete that he must take me right to you! And Pete—and thar ain't a whiter nigger livin' than that ole man—said he would—reckonin' you know to find Jack, as he allowed to me they'd hev to kill afore they got you,—and he came down yer with me. And when we got yer—you was off—and the sheriff gone—and the Vigilantes—what with bein' killed, the biggest o' them, by the earthquake—wot was orful, Gabe, but we bein' on the road didn't get to feel!—jest scared outer their butes! And then a Chinyman gins us your note—”

“My note?” interrupted Gabriel, “I didn't send ye any note.” “Then *his* note,” said Olly impatiently, pointing to Hamlin, “sayin' ‘You'll find your friends on Conroy's Hill!’—don't you see, Gabe?” continued Olly, stamping her foot in fury at her brother's slowness of comprehension, “and so we came and heard Jack's singin', and a mighty foolish thing it was to do, and yer we are!”

“But he didn't send any note! Olly,” persisted Gabriel.

“Well, you awful old Gabe, what difference does it make *who* sent it,” continued the practical Olly, “here

we are, along o' thet note, and," she added, feeling in pocket, "there's the note!"

She handed Gabriel a small slip of paper with the penciled words, "You'll find your friends waiting for you to-night on Conroy's Hill."

The handwriting was unfamiliar, but even if it were Jack's how did *he* manage to send it without his knowledge? He had not lost sight of Jack except during the few moments he had reconnoitred the mouth of the tunnel, since they had escaped from the Court House. Gabriel was perplexed; in the presence of this anonymous note he was confused and speechless, and could only pass his hand helplessly across his forehead. "But it's all right now, Gabe," continued Olly reassuringly, "the Vigilantes hev run away—what was left of them; the Sheriff ain't to be found nowhar! This yer earthquake hez frightened everybody outer the idea of huntin' ye—nobody talks of ennything but the earthquake; they even say, Gabe—I forgot to tell ye—that our claim on Conroy Hill has busted, too, and the mine ain't worth shucks now! But there's no one to interfere with us now, Gabe! And we're goin' to get into a waggin that Pete hez bespoke for us at the head of Reservoir Gulch to-morrow mornin' at sun-up! And then Pete sez we kin git down to Stockton and 'Frisco and out to a place called San Antonio, that the devil himself wouldn't think o' goin' to, and thar we kin stay, me and you and Jack, until this whole thing is blown over and Jack gits well agin and July comes back!"

Gabriel, still holding the hand of his sister, dared not tell her of the suspicions of Lawyer Maxwell regard-

ing her sister-in-law's complicity in this murder, nor Jack's conviction of her infidelity, and he hesitated. But after a pause, he suggested with a consciousness of great discretion and artfulness, "Suppose thet July doesn't come back?"

"Look yer, Gabe," said Olly suddenly, "ef yer goin' to be thet foolish and ridiklus agin, I'll jess quit. Ez if thet woman would ever leave ye." (Gabriel groaned inwardly.) "Why, when she hears o' this, wild hosses couldn't keep her from ye! Don't be a mule, Gabe, don't!" And Gabriel was dumb.

Meantime, under the influence of some anodyne which Pete had found in his medicine chest, Mr. Hamlin became quiet and pretermitted his vocal obligato. Gabriel, whose superb physical adjustment no mental excitement could possibly overthrow, and whose regular habits were never broken by anxiety, nodded, even while holding Olly's hand, and in due time slept, and I regret to say—writing of a hero—snored! After a while Olly, herself, succumbed to the drowsy coolness of the night, and wrapped in Mr. Hamlin's shawl, pillowed her head upon her brother's broad breast and slept too. Only Pete remained to keep the watch, he being comparatively fresh and strong, and declaring that the condition of Mr. Hamlin required his constant attention.

It was after midnight that Olly dreamed a troubled dream. She thought that she was riding with Mr. Hamlin to seek her brother, when she suddenly came upon a crowd of excited men who were bearing Gabriel to the gallows. She thought that she turned to Mr. Hamlin frantically for assistance, when she saw to her horror that his face had changed,—that it was

no longer he who sat beside her, but a strange, wild-looking, haggard man—a man whose face was old and pinched, but whose gray hair was discolored by a faded dye that had worn away, leaving the original color in patches, and the antique foppery of whose dress was deranged by violent exertion, and grimy with the dust of travel—a dandy whose strapped trousers of a by-gone fashion were ridiculously loosened in one leg, whose high stock was unbuckled and awry! She awoke with a start. Even then, her dream was so vivid, that it seemed to her this face was actually bending over her with such a pathetic earnestness and inquiry, that she called aloud. It was some minutes before Pete came to her, but as he averred, albeit somewhat incoherently and rubbing his eyes to show that he had not closed them, that he had never slept a wink, and that it was impossible for any stranger to have come upon them without his knowledge, Olly was obliged to accept it all as a dream! But she did not sleep again. She watched the moon slowly sink behind the serrated pines of Conroy's Hill; she listened to the crackling tread of strange animals in the underbrush, to the far-off rattle of wheels on the Wingdam turnpike, until the dark outline of the tree-trunks returned, and with the cold fires of the mountain sunrise the chilly tree-tops awoke to winged life, and the twitter of birds, while the faint mists of the river lingered with the paling moon like tired sentinels for the relief of the coming day. And then Olly awoke her companions. They struggled back into consciousness with characteristic expression, Gabriel slowly and apologetically, as of one who had overslept himself; Jack Hamlin violently and aggressively, as if some unfair advantage had been taken of his human

weakness that it was necessary to combat at once. I am sorry to say that his recognition of Pete was accompanied by a degree of profanity and irreverence that was dangerous to his own physical weakness. "And you had to trapse down yer, sniffin' about my tracks, you black and tan idiot," continued Mr. Hamlin, raising himself on his arm, "and after I'd left everything all straight at Wingdam—and jest as I was beginning to reform and lead a new life! How do! Olly! You'll excuse my not rising. Come and kiss me! If that nigger of mine has let you want for anything, jest tell me and I'll discharge him. Well! blank it all! what are you waitin' for? Here it's daybreak and we've got to get down to the head of Reservoir Gulch. Come, little children, the picnic is over!"

Thus adjured Gabriel rose, and lifting Mr. Hamlin in his arms with infinite care and tenderness, headed the quaint procession. Mr. Hamlin, perhaps recognizing some absurdity in the situation, forebore exercising his querulous profanity on the man who held him helpless as an infant, and Olly and Pete followed slowly behind.

Their way led down Reservoir Cañon, beautiful, hopeful, and bracing in the early morning air. A few birds, awakened by the passing tread, started into song a moment, and then were still. With a cautious gentleness, habitual to the man, Gabriel forbore, as he strode along, to step upon the few woodland blossoms yet left to the dry summer woods. There was a strange fragrance in the air, the light odors liberated from a thousand nameless herbs, the faint melancholy spicing of dead leaves. There was, moreover, that sense of novelty which Nature always brings with the dawn in

deep forests; a fancy that during the night the earth had been created anew, and was fresh from the Maker's hand, as yet untried by burden or tribulation, and guiltless of a Past. And so it seemed to the little caravan—albeit fleeing from danger and death—that yesterday and its fears were far away, or had, in some unaccountable way, shrunk behind them in the west with the swiftly dwindling night. Olly, once or twice, strayed from the trail to pick an opening flower or lingering berry; Pete hummed to himself the fragment of an old camp-meeting song.

And so they walked on, keeping the rosy dawn and its promise before them. From time to time the sound of far-off voices came to them faintly. Slowly the light quickened; morning stole down the hills upon them stealthily, and at last the entrance of the cañon became dimly outlined. Olly uttered a shout and pointed to a black object moving backward and forward before the opening. It was the wagon and team awaiting them. Olly's shout was answered by a whistle from the driver, and they quickened their pace joyfully; in another moment they would be beyond the reach of danger.

Suddenly a voice that seemed to start from the ground before them called on Gabriel to stop! He did so unconsciously, drawing Hamlin closer to him with one hand, and with the other making a broad, protecting sweep toward Olly. And then a figure rose slowly from the ditch at the roadside and barred their passage.

It was only a single man! A small man bespattered with the slime of the ditch and torn with brambles; a man exhausted with fatigue and tremulous with ner-

vous excitement, but still erect and threatening. A man whom Gabriel and Hamlin instantly recognized even through his rags and exhaustion! It was Joe Hall—the sheriff of Calaveras! He held a pistol in his right hand even while his left exhaustedly sought the support of a tree! By a common instinct both men saw that while the hand was feeble the muzzle of the weapon covered them.

“Gabriel Conroy, I want you,” said the apparition.

“He’s got us lined! Drop me,” whispered Hamlin hastily, “drop me! It’ll spoil his aim.”

But Gabriel, by a swift, dexterous movement that seemed incompatible with his usual deliberation, instantly transferred Hamlin to his other arm, and with his burden completely shielded, presented his own right shoulder squarely to the muzzle of Hall’s revolver.

“Gabriel Conroy, you are my prisoner,” repeated the voice.

Gabriel did not move. But over his shoulder as a rest, dropped the long shining barrel of Jack’s own favorite duelling pistol, and over it glanced the bright eye of its crippled owner. The issue was joined!

There was a deathlike silence. “Go on!” said Jack quietly. “Keep cool, Joe. For if *you* miss him, you’re gone in; and hit or miss *I’ve* got *you* sure!”

The barrel of Hall’s pistol wavered a moment, from physical weakness but not from fear. The great heart behind it, though broken, was not undaunted. “It’s all right,” said the voice fatefully. “It’s all right, Jack! Ye’ll kill me, I know! But ye can’t help sayin’ arter all that I did my duty to Calaveras as the sheriff, and ’specially to them twenty-five men ez elected me over Boggs! I ain’t goin’ to let ye pass. I’ve been on this

yer hunt, up and down this cañon all night. Hevin' no possey I reckon I've got to die yer in my tracks. All right! But ye'll git into thet wagon over my dead body, Jack; over my dead body, sure."

Even as he spoke these words he straightened himself to his full height—which was not much, I fear—and steadied himself by the tree, his weapon still advanced and pointing at Gabriel, but with such an evident and hopeless contrast between his determination and his evident inability to execute it, that his attitude impressed his audience less with its heroism than its half-pathetic absurdity. Mr. Hamlin laughed. But even then he suddenly felt the grasp of Gabriel relax, found himself slipping to his companion's feet, and the next moment was deposited carefully but ignominiously on the ground by Gabriel, who strode quietly and composedly up to the muzzle of the Sheriff's pistol.

"I'm ready to go with ye, Mr. Hall," he said gently, putting the pistol aside with a certain large indifferent wave of the hand, "ready to go with ye—now—at once! But I've one little favor to ax ye. This yer pore young man, ez yur wounded, unbeknownst," he said, pointing to Hamlin, who was writhing and gritting his teeth in helpless rage and fury, "ez not to be tuk with me, nor for me! Thar ain't nothin' to be done to him. He hez been dragged inter this fight. But I'm ready to go with ye now, Mr. Hall, and am sorry you got into the troubil along o' me."

BOOK VII.

THE BED ROCK.

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THE BED ROCK.

CHAPTER I.

In the Track of a Storm.

A QUARTER of an hour before the messenger of Peter Dumphy had reached Poinsett's office, Mr. Poinsett had received a more urgent message. A telegraph dispatch from San Antonio had been put into his hands. Its few curt words, more significant to an imaginative man than rhetorical expression, ran as follows:—

“Mission Church destroyed. Father Felipe safe. Blessed Trinity in ruins and Dolores missing. My house spared. Come at once.—MARIA SEPULVIDA.”

The following afternoon at four o'clock Arthur Poinsett reached San Geronimo, within fifteen miles of his destination. Here the dispatch was confirmed with some slight local exaggeration. “Saints and devils! There is no longer a St. Anthony! The *temblor* has swallowed him!” said the innkeeper, sententiously. “It is the end of all! Such is the world. Thou wilt find stones on stones instead of houses, Don Arturo. Where for another glass of the brandy of France or the whiskey of the American, as thou dost prefer. But of San Antonio—nothing!—Absolutely! Perfectly. Truly—nothing!”

In spite of this cheering prophecy Mr. Poinsett did not wait for the slow diligence, but mounting a fleet mustang dashed off in quest of the missing Mission. He was somewhat relieved at the end of an hour by the far-off flash of the sea, the rising of the dark green fringe of the Mission orchard and *Encinal*, and above it

the white dome of one of the Mission towers. But at the next moment Arthur checked his horse and rubbed his eyes in wonder. Where was the other tower? He put spurs to his horse again and dashed off at another angle, and again stopped and gazed. *There was but one tower remaining.* The Mission Church must have been destroyed!

Perhaps it was this discovery, perhaps it was some instinct stronger than this; but when Arthur had satisfied himself of this fact he left the direct road, which would have brought him to the Mission, and diverged upon the open plain towards the Rancho of the Blessed Trinity. A fierce wind from the sea swept the broad *llano* and seemed to oppose him, step by step—a wind so persistent and gratuitous that it appeared to Arthur to possess a moral quality, and as such was to be resisted and overcome by his superior will. Here, at least, all was unchanged; here was the dead, flat monotony of land and sky. Here was the brittle, harsh stubble of the Summer fields, sun-baked and wind-dried; here were the long stretches of silence, from which even the harrying wind made no opposition nor complaint; here were the formless specks of slowly-moving cattle, even as he remembered them before. A momentary chill came over him as he recalled his own perilous experience on these plains, a momentary glow suffused his cheek as he thought of his rescue by the lovely but cold recluse. Again he heard the name of "Philip" softly whispered in his ears, again he felt the flood of old memories sweep over him as he rode, even as he had felt them when he lay that day panting upon the earth. And yet Arthur had long since convinced his mind that he was mistaken in supposing

that Doña Dolores had addressed him at that extreme moment as "Philip;" he had long since believed it was a trick of his disordered and exhausted brain; the conduct of Dolores towards himself, habitually restrained by grave courtesy, never justified him in directly asking the question, nor suggested any familiarity that might have made it probable. She had never alluded to it again—but had apparently forgotten it. Not so Arthur! He had often gone over that memorable scene, with a strange, tormenting pleasure that was almost a pain. It was the one incident of his life, for whose poetry he was not immediately responsible—the one genuine heart-thrill whose sincerity he had not afterwards stopped to question in his critical fashion, the one enjoyment that had not afterwards appeared mean and delusive. And now the heroine of this episode was missing, and he might never perhaps see her again! And yet when he first heard the news he was conscious of a strange sense of relief—rather let me say of an awakening from a dream, that though delicious, had become dangerous and might unfit him for the practical duties of his life. Doña Dolores had never affected him as a real personage—at least the interest he felt in her, was, he had always considered, due to her relations to some romantic condition of his mind, and her final disappearance from the plane of his mental vision was only the exit of an actress from the mimic stage. It seemed only natural that she should disappear as mysteriously as she came. There was no shock even to the instincts of his ordinary humanity—it was no catastrophe involving loss of life or even suffering to the subject or spectator.

Such at least was Mr. Poinsett's analysis of his own

mental condition on the receipt of Doña Maria's telegram. It was the cool self-examination of a man who believed himself cold-blooded and selfish, superior to the weakness of ordinary humanity, and yet was conscious of neither pride nor disgrace in the belief. Yet when he diverged from his direct road to the Mission, and turned his horse's head toward the home of Doña Dolores, he was conscious of a new impulse and anxiety that was stronger than his reason. Unable as he was to resist it, he still took some satisfaction in believing that it was nearly akin to that feeling which years before had driven him back to Starvation Camp in quest of the survivors. Suddenly his horse recoiled with a bound that would have unseated a less skilful rider. Directly across his path stretched a chasm in the level plain—thirty feet broad and as many feet in depth, and at its bottom in indistinguishable confusion lay the wreck of the corral of the Blessed Trinity!

Except for the enormous size and depth of this fissure Arthur might have mistaken it for the characteristic cracks in the sun-burnt plain, which the long, dry Summer had wrought upon its surface, some of which were so broad as to task the agility of his horse. But a second glance convinced him of the different character of the phenomenon. The earth had not cracked asunder nor separated, but had sunk. The width of the chasm below was nearly equal to the width above; the floor of this valley in miniature was carpeted by the same dry, brittle herbs and grasses which grew upon the plain around him.

In the pre-occupation of the last hour he had forgotten the distance he had traversed. He had evidently ridden faster than he had imagined. But if this was

really the corral, the walls of the Rancho should now be in sight at the base of the mountain! He turned in that direction. Nothing was to be seen! Only the monotonous plain stretched before him, vast and unbroken. Between the chasm where he stood and the *falda* of the first low foot-hills neither roof nor wall nor ruin rose above the dull, dead level!

An ominous chill ran through his veins, and for an instant the reins slipped through his relaxed fingers. Good God! Could this have been what Doña Maria meant, or had there been a later convulsion of Nature? He looked around him. The vast, far-stretching plain, desolate and trackless as the shining ocean beyond, took upon itself an awful likeness to that element! Standing on the brink of the revealed treachery of that yawning chasm, Arthur Poinsett read the fate of the Rancho. In the storm that had stirred the depths of this motionless level, the Rancho and its miserable inmates had *foundered* and gone down!

Arthur's first impulse was to push on towards the scene of the disaster, in the vague hope of rendering some service. But the chasm before him was impassable, and seemed to continue to the sea beyond. Then he reflected that the catastrophe briefly told in Doña Maria's dispatch had happened twenty-four hours before, and help was perhaps useless now. He cursed the insane impulse that had brought him here, aimlessly and without guidance and left him powerless even to reach the object of his quest. If he had only gone first to the Mission, asked the advice and assistance of Father Felipe, or learned at least the full details of the disaster!—He uttered an oath, rare to his usual calm expression, and wheeling his horse, galloped fiercely back towards the Mission.

Night had deepened over the plain. With the going down of the sun, a fog that had been stealthily encompassing the coast line, stole with soft step across the shining beach, dulled its lustre, and then moved slowly and solemnly upon the plain, blotting out the Point of Pines, at first salient with its sparkling Lighthouse but now undistinguishable from the gray sea above and below, until it reached the galloping horse and its rider, and then, as it seemed to Arthur, isolated them from the rest of the world—from even the penciled outlines of the distant foot-hills, that it at last sponged from the blue-gray slate before him. At times the far-off tolling of a fog-bell came faintly to his ear, but all sound seemed to be blotted out by the fog; even the rapid fall of his horse's hoofs were muffled and indistinct. By degrees the impression that he was riding in a dream overcame him, and was accepted by him without questioning or deliberation.

It seemed to be a consistent part of the dream or vision when he rode—or rather as it seemed to him, was borne by the fog—into the outlying fields and lanes of the Mission. A few lights, with a nimbus of fog around them, made the narrow street of the town appear still more ghostly and unreal, as he plunged through its obscurity towards the plaza and church. Even by the dim gray light he could see that one of the towers had fallen, and that the eastern wing and Refectory were a mass of shapeless ruin. And what would at another time have excited his surprise now only struck him as a natural part of his dream,—the church a blaze of light and filled with thronging worshipers! Still possessed by his strange fancy, Arthur Poinsett dismounted, led his horse beneath the shed beside the remaining tower, and entered the building.

The body and nave of the church were intact; the outlandish paintings still hung from the walls; the waxen effigies of the Blessed Virgin and the Saints still leaned from their niches, yellow and lank, and at the high altar, Father Felipe was officiating. As he entered a dirge broke from the choir; he saw that the altar and its offerings were draped in black, and in the first words uttered by the priest, Arthur recognized the mass for the dead! The feverish impatience that had filled his breast and heightened the color of his cheeks for the last hour was gone. He sunk upon a bench beside one of the worshipers and buried his face in his hands. The voice of the organ rose again faintly; the quaint-voiced choir awoke, the fumes of incense filled the church, and the monotonous accents of the priest fell soothingly upon his ear and Arthur seemed to sleep. I say seemed to sleep, for ten minutes later he came to himself with a start as if awakening from a troubled dream, with the voice of Padre Felipe in his ear, and the soft, caressing touch of Padre Felipe on his shoulder. The worshipers had dispersed, the church was dark, save a few candles still burning on the high altar, and for an instant he could not recall himself.

"I knew you would come, son," said Padre Felipe, "but where is she? Did you bring her with you?"

"Who?" asked Arthur, striving to recall his scattered senses.

"Who? Saints preserve us, Don Arturo! She who sent for you — Doña Maria? Did you not get her message?"

Arthur replied that he had only just arrived, and had at once hastened to the Mission. For some reason that he was ashamed to confess he did not say that he

had tried to reach the Rancho of the Blessed Trinity, nor did he admit that he had forgotten for the last two hours even the existence of Doña Maria. "You were having a mass for the dead—Father Felipe?—you have then suffered here?" He paused anxiously, for in his then confused state of mind he doubted how much of his late consciousness had been real or visionary.

"Mother of God," said Father Felipe, eyeing Arthur curiously. "You know not then for whom was this mass? You know not that a saint has gone—that Doña Dolores has at last met her reward?"

"I have heard—that is Doña Maria's dispatch said—that she was missing," stammered Arthur, feeling, with a new and unsupportable disbelief in himself, that his face was very pale and his voice uncertain.

"Missing!" echoed Father Felipe, with the least trace of impatience in his voice. "Missing! She will be found when the Rancho of the Blessed Trinity is restored—when the ruins of the *casa*, sunk fifty feet below the surface, are brought again to the level of the plain. Missing, Don Arturo!—ah!—missing indeed!—forever! always, entirely!"

Moved perhaps by something in Arthur's face Padre Felipe sketched in a few graphic pictures the details of the catastrophe already forecast by Arthur. It was a repetition of the story of the sunken corral. The earthquake had not only leveled the walls of the Rancho of the Blessed Trinity, but had opened a grave-like chasm fifty feet below it, and none had escaped to tell the tale. The faithful *vaqueros* had rushed from the trembling and undulating plain to the Rancho, only to see it topple into a yawning abyss that opened to receive it. Don Juan, Doña Dolores,

the faithful Manuela, and Alejandro, the *major-domo*, with a dozen peons and retainers went down with the crumbling walls. No one had escaped. Was it not possible to dig in the ruins for the bodies? Mother of God! had not Don Arturo been told that the earth at the second shock had closed over the sunken ruins, burying beyond mortal resurrection all that the Rancho contained? They were digging, but hopelessly—a dozen men. They might—weeks hence—discover the bodies—but who knows?”

The meek, fatalistic way that Father Felipe accepted the final doom of Doña Dolores exasperated Arthur beyond bounds. In San Francisco a hundred men would have been digging night and day in the mere chance of recovering the buried family. Here—but Arthur remembered the sluggish, helpless retainers of Salvatierra, the dreadful fatalism which affected them on the occurrence of this mysterious catastrophe, even as shown in the man before him, their accepted guide and leader—and shuddered. Could anything be done? Could he not, with Dumphy's assistance, procure a gang of men from San Francisco? And then came the instinct of caution, always powerful with a nature like Arthur's. If these people, most concerned in the loss of their friends, their relations, accepted it so hopelessly, what right had he—a mere stranger—to interfere?

“But come, my son,” said Padre Felipe, laying his large soft hand, parentally, on Arthur's shoulder. “Come, come with me to my rooms. Thanks to the Blessed Virgin I have still shelter and a roof to offer you. Ah,” he added, stroking Arthur's riding-coat, and examining him critically as if he had been a large child, “what have we—what is this, eh? You are wet

with this heretic fog—eh? Your hands are cold, and your cheeks hot. You have fatigue! Possibly—most possibly hunger! No! No! It is so. Come with me, come!” and drawing Arthur’s passive arm through his own, he opened the vestry door, and led him across the little garden, choked with debris and plaster of the fallen tower, to a small adobe building that had been the Mission school-room. It was now hastily fitted up as Padre Felipe’s own private apartment and meditative cell. A bright fire burned in the low, oven-like hearth. Around the walls hung various texts illustrating the achievement of youthful penmanship with profound religious instruction. At the extremity of the room there was a small organ. Midway and opposite the hearth was a deep embrasured window—the window at which two weeks before, Mr. Jack Hamlin had beheld the Doña Dolores.

“She spent much of her time here, dear child, in the instruction of the young,” said Father Felipe, taking a huge pinch of snuff, and applying a large red bandanna handkerchief to his eyes and nose. “It is her best monument! Thanks to her largess—and she was ever free-handed, Don Arturo, to the Church—the foundation of the Convent of our Lady of Sorrows, her own patron saint, thou seest here. Thou knowest, possibly—most possibly as her legal adviser—that long ago, by her will, the whole of the Salvatierra Estate is a benefaction to the Holy Church! eh?”

“No, I don’t!” said Arthur, suddenly, awakening with a glow of Protestant and heretical objection that was new to him, and eyeing Padre Felipe with the first glance of suspicion he had ever cast upon the venerable ecclesiastic. “No, sir, I never heard any intima-

tion or suggestion of the kind from the late Doña Dolores. On the contrary I was engaged——”

“Pardon—pardon me, my son,” interrupted Father Felipe, taking another large pinch of snuff. “It is not now, scarce twenty-four hours since the dear child was translated—not in her masses and while her virgin strewments are not yet faded—that we will talk of this,” (he blew his nose violently). “No! All in good time—thou shalt see! But I have something here,” he continued, turning over some letters and papers in his desk. “Something for you—possibly, most possibly more urgent. It is a telegraphic dispatch for you, to my care.”

He handed a yellow envelope to Arthur. But Poinsett’s eyes were suddenly fixed upon a card which lay upon Padre Felipe’s table and which the Padre’s search for the dispatch had disclosed. Written across its face was the name of Col. Culpepper Starbottle of Siskiyou! “Do you know that man?” asked Poinsett, holding the dispatch unopened in his hand, and pointing to the card.

Father Felipe took another pinch of snuff. “Possibly—most possibly! A lawyer, I think—I think! Some business of the church property! I have forgotten. But your dispatch, Don Arturo. What says it! It does not take you from us? And you—only an hour here?”

Father Felipe paused, and looking up, innocently, found the eyes of Arthur regarding him gravely. The two men examined each other intently. Arthur’s eyes, at last, withdrew from the clear, unshrinking glance of Padre Felipe, unabashed but unsatisfied. A sudden recollection of the thousand and one scandals against the Church, and wild stories of its far-reaching in-

fluence—a swift remembrance of the specious craft and cunning charged upon the religious order of which Padre Felipe was a member—scandals that he had hitherto laughed at as idle—flashed through his mind. Conscious that he was now putting himself in a guarded attitude before the man with whom he had always been free and outspoken, Arthur, after a moment's embarrassment that was new to him, turned for relief to the dispatch and opened it. In an instant it drove all other thoughts from his mind. Its few words were from Dumphy and ran, characteristically, as follows: "Gabriel Conroy arrested for murder of Victor Ramirez. What do you propose. Answer."

Arthur rose to his feet. "When does the up stage pass through San Geronimo?" he asked hurriedly. "At midnight!" returned Padre Felipe, "Surely—my son, you do not intend—" "And it is now nine o'clock," continued Arthur, consulting his watch. "Can you procure me a fresh horse?—it is of the greatest importance, Father," he added recovering his usual frankness. "Ah! it is urgent!—it is a matter—" suggested the Padre gently. "Of life and death!" responded Arthur gravely. Father Felipe rang a bell and gave some directions to a servant, while Arthur seating himself at the table, wrote an answer to the dispatch. "I can trust you to send it as soon as possible to the telegraph office," he said, handing it to Father Felipe. The Padre took it in his hand, but glanced anxiously at Arthur. "And Doña Maria?" he said hesitatingly—"you have not seen her yet! Surely you will stop at the Blessed Fisherman, if only for a moment, eh?" Arthur drew his riding coat and cape over his shoulders with a mischievous smile. "I am afraid not, Father; I shall trust to you to explain that I was re-

called suddenly, and that I had not time to call; knowing the fascinations of your society, Father, she will not begrudge the few moments I have spent with you." Before Father Felipe could reply the servant entered with the announcement that the horse was ready. "Good-night, Father Felipe," said Arthur pressing the priest's hands warmly with every trace of his former suspiciousness gone. "Good-night. A thousand thanks for the horse. In speeding the parting guest," he added gravely, "you have perhaps done more for the health of my soul than you imagine—good-night, *Adios!*" With a light laugh in his ears, the vision of a graceful, erect figure waving a salute from a phantom steed, an inward rush of the cold gray fog, and the muffled clatter of hoofs over the mouldy and mossy marbles in the churchyard, Father Felipe parted from his guest. He uttered a characteristic adjuration, took a pinch of snuff and closing the door, picked up the card of the gallant Col. Starbottle and tossed it in the fire.

But the perplexities of the Holy Father ceased not with the night. At an early hour the next morning, Doña Maria Sepulvida appeared before him at breakfast, suspicious, indignant and irate. "Tell me, Father Felipe," she said hastily, "did the Don Arturo pass the night here?" "Truly no, my daughter," answered the Padre cautiously. "He was here but for a little—" "And he went away when?" interrupted Doña Maria. "At nine." "And where?" continued Doña Maria with a rising color. "To San Francisco, my child, it was business of great importance—but sit down, sit, little one! this impatience is of the devil, daughter, you must calm yourself." "And do you know, Father Felipe, that he went away without coming *near me?*" continued Doña Maria in a higher key, scarcely

heeding her ghostly confessor. "Possibly, most possibly! But he received a dispatch—it was of the greatest importance." "A dispatch!" repeated Doña Maria, scornfully,—“Truly—from whom?” “I know not, my child,” said Father Felipe, gazing at the pink cheeks, indignant eyes, and slightly swollen eyelids of his visitor—“this impatience—this anger is most unseemly!” “Was it from Mr. Dumphy?” reiterated Doña Maria, stamping her little foot!

Father Felipe drew back his chair. Through what unhallowed spell had this woman—once the meekest and humblest of wives—become the shrillest and most shrewish of widows? Was she about to revenge herself on Arthur for her long suffering with the late Don Jose? Father Felipe pitied Arthur now and prospectively.

“Are you going to tell me?” said Doña Maria tremulously, with alarming symptoms of hysteria. “I believe it was from Mr. Dumphy,” stammered Padre Felipe. “At least the answer Don Arturo gave me to send in reply—only three words, ‘I will return at once,’ was addressed to Mr. Dumphy. But I know not what was the message *he* received.”

“You don’t!” said Doña Maria, rising to her feet, with white in her cheek, fire in her eyes, and a stridulous pitch in her voice. “You don’t! Well! I will tell you! It was the same news that *this* brought.” She took a telegraphic dispatch from her pocket and shook it in the face of Father Felipe. “There! read it! That was the news sent to him! That was the reason why he turned and ran away like a coward as he is! That was the reason why he never came near me, like a perjured traitor as he is! That is the reason why he came to you with his fastidious airs and his supercilious smile—and his—his—O how I HATE HIM!

That is why!—read it! read it! Why don't you read it?"—(she had been gesticulating with it, waving it in the air wildly, and evading every attempt of Father Felipe to take it from her). "Read it! Read it and see why! Read and see that I am ruined!—a beggar!—a cajoled and tricked and deceived woman—between these two villains, Dumphy and Mis—ter—Arthur—Poin—sett! Ah! Read it—or are you a traitor too? You and Dolores and all—"

She crumpled the paper in her hands, threw it on the floor, whitened suddenly around the lips, and then followed the paper as suddenly, at full length, in a nervous spasm at Father Felipe's feet. Father Felipe gazed, first at the paper and then at the rigid form of his friend. He was a man, an old one,—with some experience of the sex, and I regret to say he picked up the *paper* first, and straightened *it* out. It was a telegraphic dispatch in the following words: "Sorry to say telegram just received that earthquake has dropped out lead of Conroy Mine! Every thing gone up! Can't make further advances, or sell stock.—DUMPHY!"

Father Felipe bent over Doña Maria and raised her in his arms. "Poor little one!" he said. "But I don't think Arthur knew it!"

CHAPTER II.

FOR once, by a cruel irony, the adverse reports regarding the stability of the Conroy mine were true! A few stock-holders still clung to the belief that it was a fabrication to depress the stock, but the fact as stated in Mr. Dumphy's dispatch to Doña Maria was in possession of the public. The stock fell to \$35, to \$30, to \$10—to nothing! An hour after the earthquake it

was known in One Horse Gulch that the "lead" had "dropped" suddenly, and that a veil of granite of incalculable thickness had been upheaved between the seekers and the treasure, now lost in the mysterious depths below. The vein was gone! Where?—no one could tell. There were various theories, more or less learned: there was one party who believed in the "subsidence" of the vein, another who believed in the "interposition" of the granite, but all tending to the same conclusion—the inaccessibility of the treasure. Science pointed with stony finger to the evidence of previous phenomena of the same character visible throughout the Gulch. But the grim "I told you so" of Nature was, I fear, no more satisfactory to the dwellers of One Horse Gulch than the ordinary prophetic distrust of common humanity.

The news spread quickly and far. It overtook several wandering Californians in Europe, and sent them to their bankers with anxious faces; it paled the cheeks of one or two guardians of orphan children, frightened several widows, drove a confidential clerk into shameful exile, and struck Mr. Raynor in Boston with such consternation, that people for the first time suspected that he had backed his opinion of the Resources of California with capital. Throughout the length and breadth of the Pacific slope it produced a movement of aggression which the earthquake had hitherto failed to cover. The probabilities of danger to life and limb by a recurrence of the shock had been dismissed from the public consideration, but this actual loss of characteristic property awakened the gravest anxiety. If Nature claimed the privilege of at any time withdrawing from that implied contract under which so many of California's best citizens had occupied

and improved the country, it was high time that something should be done. Thus spake an intelligent and unfettered press. A few old residents talked of returning to the East.

During this excitement Mr. Dumphy bore himself toward the world generally with perfect self-confidence and—if anything—an increased aggressiveness. His customers dared not talk of their losses before him, or exhibit a stoicism unequal to his own.

"It's a blank bad business," he would say, "what do you propose?" And as the one latent proposition in each human breast was the return of the money invested, and as no one dared to make that proposition, Mr. Dumphy was, as usual, triumphant. In this frame of mind Mr. Poinsett found him on his return from the Mission of San Antonio, the next morning.

"Bad news, I suppose, down there," said Mr. Dumphy briskly, "and I reckon the widow, though she has been luckier than her neighbors, don't feel particularly lively—eh? I'm dev'lish sorry for you, Poinsett, though as a man, you can see that the investment was a good one. But you can't make a woman understand business. Eh? Well, the Rancho's worth double the mortgage, I reckon. Eh? Ugly, ain't she?—of course! Said she'd been swindled? That's like a woman! You and me know 'em! eh, Poinsett?" Mr. Dumphy emitted his characteristic bark, and winked at his visitor.

Arthur looked up in unaffected surprise. "If you mean Mrs. Sepulvida," he said coldly, "I haven't seen her. I was on my way there when your telegram recalled me. I had some business with Padre Felipe."

"You don't know then that the Conroy mine has gone up with the earthquake, eh? Lead dropped out—eh? and the widow's fifty-six thousand?"—here Mr.

Dumphy snapped his finger and thumb to illustrate the lame and impotent conclusion of Doña Maria's investment, "don't you know that?"

"No," said Arthur, with perfect indifference and a languid abstraction that awed Mr. Dumphy more than anxiety, "no, I don't. But I imagine that isn't the reason you telegraphed me."

"No," returned Dumphy, still eyeing Poinsett keenly for a possible clew to this singular and unheard-of apathy to the condition of the fortune of the woman his visitor was about to marry. "No—of course!"

"Well!" said Arthur, with that dangerous quiet which was the only outward sign of interest and determination in his nature. "I'm going up to One Horse Gulch to offer my services as counsel to Gabriel Conroy. Now for the details of this murder, which, by the way, I don't believe Gabriel committed, unless he's another man than the one I knew! After that you can tell me *your* business with me, for I don't suppose you telegraphed to me on his account solely. Of course, at first you felt it was to your interest to get him and his wife out of the way, now that Ramirez is gone. But now, if you please, let me know what *you* know about this murder?"

Mr. Dumphy, thus commanded, and completely under the influence of Arthur's quiet will, briefly recounted the particulars already known to the reader, of which he had been kept informed by telegraph. "He's been recaptured," added Dumphy, "I learn by a later dispatch; and I don't reckon there'll be another attempt to lynch him. I've managed *that*," he continued with a return of his old self-assertion. "I've got some influence there!"

For the first time during the interview Arthur awoke

from his pre-occupation and glanced keenly at Dumphy. "Of course," he returned coolly, "I don't suppose you such a fool as to allow the only witness you have of your wife's death to be sacrificed—even if you believed that the impostor who was personating your wife had been charged with complicity in a capital crime and had fled from justice. You're not such a fool as to believe that this Mrs. Conroy won't try by every means in her power to help her husband, that she evidently loves,—that she won't make use of any secret she may have that concerns you to save him and herself. No, Mr. Peter Dumphy," said Arthur, significantly, "no, you're too much of a business man not to see that." As he spoke he noted the alternate flushing and paling of Mr. Dumphy's face, and read—I fear with the triumphant and instinctive consciousness of a superior intellect—that Mr. Dumphy *had* been precisely such a fool, and had failed!

"I reckon nobody will put much reliance on the evidence of a woman charged with a capital crime," said Mr. Dumphy, with a show of confidence he was far from feeling.

"Suppose that she and Gabriel both swear that *she* knows your abandoned wife, for instance; suppose that they both swear that she and you connived to personate Grace Conroy for the sake of getting the title to this mine; suppose that she alleges that she repented and married Gabriel, as she did, and suppose that they both admit the killing of this Ramirez—and assert that you were persecuting them through him, and still are. Suppose that they show that he forged a second grant to the mine—through *your* instigation?"

"It's a lie," interrupted Dumphy, starting to his feet, "he did it from jealousy."

"Can you *prove* his motives?" said Arthur.

"But the grant was not in my favor—it was to some old Californian down in the Mission of San Antonio. I can prove that," said Dumphy excitedly.

"Suppose you can? Nobody imagines you so indiscreet as to have had another grant conveyed to *you directly*, while you were negotiating with Gabriel for *his*. Don't be foolish! *I* know you had nothing to do with the forged grant. I am only suggesting how you have laid yourself open to the charges of a woman of whom you are likely to make an enemy, and might have made an ally. If you calculate to revenge Ramirez, consider first if you care to have it proved that he was a confidential agent of yours—as they will, if you don't help *them*. Never mind whether they committed the murder. You are not their judge or accuser. You must help them for your own sake. No!" continued Arthur after a pause, "congratulate yourself that the Vigilance Committee did not hang Gabriel Conroy, and that you have not to add Revenge to the other motives of a desperate and scheming woman."

"But are you satisfied that Mrs. Conroy *is* really the person who stands behind Col. Starbottle and personates my wife?"

"I am," replied Arthur positively.

Dumphy hesitated a moment. Should he tell Arthur of Col. Starbottle's interview with him, and the delivery and subsequent loss of the mysterious envelope? Arthur read his embarrassment plainly, and precipitated his decision with a single question.

"Have you had any further interview with Col. Starbottle?"

Thus directly adjured, Dumphy hesitated no longer but at once repeated the details of his late conversation

with Starbottle, his successful bribery of the Colonel, the delivery of the sealed envelope under certain conditions, and its mysterious disappearance. Arthur heard him through with quiet interest, but when Mr. Dumphy spoke of the loss of the envelope, he fixed his eyes on Mr. Dumphy's with a significance that was unmistakable.

"You say you lost this envelope trusted to your honor!" said Arthur with slow and insulting deliberation. "Lost it, without having opened it or learned its contents? That was very unfortunate, Mr. Dumphy, ve-ry un-for-tu-nate!"

The indignation of an honorable man at the imputation of some meanness foreign to his nature, is weak compared with the anger of a rascal accused of an offence which he might have committed, but didn't. Mr. Dumphy turned almost purple! It was so evident that he had not been guilty of concealing the envelope and did not know its contents, that Arthur was satisfied. "He denied any personal knowledge of Mrs. Conroy in this affair?" queried Arthur.

"Entirely! he gave me to understand that his instructions were received from another party unknown to me," said Dumphy; "look yer, Poinsett—you're wrong! I don't believe it is that woman."

Arthur shook his head. "No one else possesses the information necessary to black-mail you. No one else has a motive in doing it."

The door opened to a clerk bearing a card. Mr. Dumphy took it impatiently and read aloud, "Col. Starbottle of Siskiyou!" He then turned an anxious face to Poinsett. "Good," said that gentleman quietly, "admit him!" As the clerk disappeared, Arthur turned

to Dumphy—"I suppose it was to meet this man you sent for me?"

"Yes," returned Dumphy, with a return of his old brusqueness.

"Then hold your tongue, and leave everything to me!"

The door opened as he spoke, to Col. Starbottle's frilled shirt and expanding bosom, followed at a respectful interval by the gallant Colonel himself. He was evidently surprised by the appearance of Mr. Dumphy's guest, but by no means dashed in his usual chivalrous port and bearing. "My legal adviser, Mr. Poinsett," said Dumphy, introducing Arthur briefly. The gallant Colonel bowed stiffly, while Arthur, with a smile of fascinating courtesy and deference that astonished Dumphy in proportion as it evidently flattered and gratified Col. Starbottle, stepped forward and extended his hand. "As a younger member of the profession I can hardly claim the attention of one so experienced as Col. Starbottle, but as the friend of poor Henry Beeswinger I can venture to take the hand of the man who so gallantly stood by him as his second, two years ago."

"Ged, sir," said Col. Starbottle, absolutely em-purpling with pleasure, and exploding his handkerchief from his sweltering breast. "Ged! you-er-er do me proud! I am er-gratified, sir, to meet any friend of er-er-gentleman like Hank Beeswinger—blank me! I remember the whole affair, sir, as if it was yesterday. I do, blank me! Gratifying, Mr. Poinsett, to every gentleman concerned. Your friend, sir—I'm proud to meet you—I am, blank me,—killed, sir, second fire! Dropped like a gentleman, blank me. No fuss; no reporters; no arrests. Friends considerate. Blank me,

sir, one of the finest—blank me, I may say, sir, one of the very finest—er—meetings in which I have—er—participated. Glad to know you, sir. You call to mind, sir, one of the—er—highest illustrations of a code of honor—that—er—er—under the present—er—degrading state of public sentiment is er—er—passing away. We are drifting, sir, drifting—drifting to er—er—political and social condition, where the Voice of Honor, sir, is drowned by the blanker Yankee watchword of Produce and Trade. Trade, sir, blank me!” Col. Starbottle paused with a rhetorical full stop, blew his nose, and gazed at the ceiling with a plaintive suggestion that the days of chivalry had indeed passed and that American institutions were indeed retrograding; Mr. Dumphy leaned back in his chair in helpless irritability; Mr. Arthur Poinsett alone retained an expression of courteous and sympathizing attention.

“I am the more gratified at meeting Col. Starbottle,” said Arthur gravely, “from the fact that my friend and client here, Mr. Dumphy, is at present in a condition where he most needs the consideration and understanding of a gentleman and a man of honor. A paper, which has been intrusted to his safe keeping and custody as a gentleman, has disappeared since the earthquake, and it is believed that during the excitement of that moment it was lost! The paper is supposed to be intact as it was in an envelope that *had never been opened, and whose seals were unbroken*. It is a delicate matter, but I am rejoiced that the gentleman who left the paper in trust is the honorable Col. Starbottle, whom I know by reputation, and the gentleman who suffered the misfortune of losing it is my personal friend Mr. Dumphy. It enables me at once to proffer

my services as mediator, or as Mr. Dumphy's legal adviser and friend to undertake *all* responsibility in the matter."

The tone and manner were so like Col. Starbottle's own, that Dumphy looked from Arthur to Col. Starbottle in hopeless amazement. The latter gentleman dropped his chin and fixed a pair of astonished and staring eyes upon Arthur. "Do I understand—that-er—this gentleman, Mr. Dumphy, has placed you in possession of any confidential statement—that er"—"Pardon me, Colonel Starbottle," interrupted Arthur rising with dignity, "the facts I have just stated are sufficient for the responsibility I assume in this case. I learn from my client that a sealed paper placed in his hands is missing. I have from him the statement that I am bound to believe, that it passed from his hands unopened; where, he knows not. This is a matter, between gentlemen, serious enough without further complication!"

"And the paper and envelope are lost?" continued Col. Starbottle, still gazing at Arthur.

"Are lost," returned Arthur quietly. "I have advised my friend, Mr. Dumphy, that as a man of honor and a business man, he is by no means freed through this unfortunate accident, from any promise or contract that he may have entered into with you concerning it. Any deposit as a collateral for its safe delivery which he might have made *or has promised to make* is clearly forfeited. This, he has been waiting only for your appearance to hand to you." Arthur crossed to Mr. Dumphy's side and laid his hand lightly upon his shoulder, but with a certain significance of grip palpable to Mr. Dumphy, who after looking into his eyes drew out his check book. When he had filled in a

duplicate of the check he had given Col. Starbottle two days before, Arthur took it from his hand and touched the bell. "As we will not burden Col. Starbottle unnecessarily, your cashier's acceptance of this paper, will enable him to use it henceforth at his pleasure, and as I expect to have the pleasure of the Colonel's company to my office will you kindly have this done at once." The clerk appeared, and at Mr. Poinsett's direction took the check from the almost passive fingers of Mr. Dumphy. "Allow me to express my perfect satisfaction with—er—er your explanation!" said Col. Starbottle, extending one hand to Arthur while at the same moment he gracefully readjusted this shirt-bosom with the other. "Trouble yourself no further—regarding the—er—er paper. I trust it will—er—yet be found, if not, sir, I shall—er—er—" added the Col, with honorable resignation, "hold myself *personally responsible* to my client, blank me!" "Was there no mark upon the envelope by which it might be known without explaining its contents?" suggested Arthur. "None, sir, a plain yellow envelope. Stop!" said the Colonel, striking his forehead with his hand. "Ged, sir! I do remember now that during our conversation, I made a memorandum, blank me, a memorandum upon the face of it, across it, a blank name, Ged, sir, the very name of the party you were speaking of—Gabriel Conroy!"

"You wrote the name of Gabriel Conroy upon it! Good! That may lead to its identification without exposing its contents," returned Arthur. "Well sir?" The last two words were addressed to Mr. Dumphy's clerk who had entered during the Colonel's speech and stood staring alternately at him and his employer, holding the accepted check in his hand. "Give it to

the gentleman," said Dumphy, curtly. The man obeyed, Col. Starbottle took the check, folded it and placed it somewhere in the moral recesses of his breast pocket. That done he turned to Mr. Dumphy. "I need not say—er—that, er—as far as my personal counsel and advice to my client can prevail, it will be my effort to prevent litigation in this er—delicate affair, blank me! Should the envelope—er—er—turn up! you will of course er—send it to me who am—er—personally responsible for it. Ged, sir," continued the Colonel, "I should be proud to conclude this affair, conducted as it has been on your side with the strictest honor, over the er—festive—board—but er—business prevents me! I leave here in one hour for One Horse Gulch!"

Both Mr. Dumphy and Poinsett involuntarily started. "One Horse Gulch?" repeated Arthur.

"Blank me! yes! Ged, sir, I'm retained in a murder case there; the case of this man Gabriel Conroy."

Arthur cast a swift precautionary look at Dumphy. "Then perhaps we may be traveling companions?" he said to Starbottle, smiling pleasantly, "I am going there too. Perhaps my good fortune may bring us in friendly counsel. You are engaged—"

"For the prosecution," interrupted Starbottle, slightly expanding his chest. "At the request of relatives of the murdered man—a Spanish gentleman of er—er—large and influential family connections, I shall assist the District Attorney, my old friend Nelse Buckthorne!"

The excitement kindled in Arthur's eyes luckily did not appear in his voice. It was still pleasant to Col. Starbottle's ear, as, after a single threatening glance of warning at the utterly mystified and half-

exploding Dumphy, he turned gracefully toward him. "And if, by the fortunes of war, we should be again on opposite sides, my dear Colonel, I trust that our relations may be as gratifying as they have been to-day. One moment! I am going your way. Let me beg you to take my arm a few blocks and a glass of wine afterwards as a stirrup cup on our journey." And with a significant glance at Dumphy, Arthur Poinsett slipped Col. Starbottle's arm deftly under his own, and actually marched off with that doughty warrior, a blushing, expanding but not unwilling captive.

When the door closed Mr. Dumphy resumed his speech and action in a single expletive! What more he might have said is not known, for at the same moment he caught sight of his clerk who had entered hastily at the exit of the others, but who now stood awed and abashed by Mr. Dumphy's passion. "Dash it all! what in dash are you dashingly doing here, dash you?"

"Sorry, sir," said the unlucky clerk, "but overhearing that gentleman say there was writing on the letter that you lost by which it might be identified, sir,—we think we've found it—that is we know where it is!"

"How!" said Dumphy starting up eagerly.

"When the shock came that afternoon," continued the clerk, "the express bag for Sacramento and Marysville had just been taken out by the expressman, and was lying on top of the wagon. The horses started to run at the second shock, and the bag fell and was jammed against a lamp-post in front of our window, bursting open as it did so and spilling some letters and papers on the sidewalk. One of our night watchmen helped the expressman pick up the scattered

letters, and picked up among them a plain yellow envelope with no address but the name of Gabriel Conroy written in pencil across the end. Supposing it had dropped from some package in the express bag he put it back again in the bag. When you asked about a blank envelope missing from your desk, he did not connect it with the one he had picked up, for *that* had writing on it. We sent to the express office just now and found that they had stamped it, and forwarded it to Conroy at One Horse Gulch, just as they had always done with his letters sent to our care. That's the way of it. Dare say it's there by this time, in his hands, sir, all right!"

CHAPTER III.

GABRIEL'S petition on behalf of Mr. Hamlin was promptly granted by the sheriff. The wagon was at once put in requisition to convey the wounded man—albeit screaming and protesting—to the Grand Conroy Hotel, where, in company with his faithful henchman, he was left, to all intents a free man, and a half an hour later a demented one, tossing in a burning fever.

Owing to the insecure condition of the County Jail at One Horse Gulch, and possibly some belief in the equal untrustworthiness of the people, the sheriff conducted his prisoner, accompanied by Olly, to Wingdam. Nevertheless, Olly's statement of the changed condition of public sentiment, or rather its pre-occupation with a calamity of more absorbing interest, was in the main correct. The news of the recapture of Gabriel by his legal guardian awoke no excitement nor comment.

More than this, there was a favorable feeling toward the prisoner. The action of the Vigilance Committee had been unsuccessful, and had terminated disastrously to the principal movers therein. It is possible that the morality of their action was involved in their success. Somehow the whole affair had not resulted to the business interests of the Gulch. The three most prominent lynchers were dead—and clearly in error! The prisoner, who was still living, was possibly in the right. The *Silveropolis Messenger* which ten days before had alluded to the “noble spectacle of a free people, outraged in their holiest instincts, appealing to the first principles of Justice and Order, and rallying as a single man to their support,” now quietly buried the victims and their motives from the public eye beneath the calm statement that they met their fate “while examining the roof of the Court House with a view to estimate the damage caused by the first shock of the earthquake.” The *Banner* favored the same idea a little less elegantly, and suggested ironically that hereafter “none but experts should be allowed to go foolin’ round the statue of Justice.” I trust that the intelligent reader will not accuse me of endeavoring to cast ridicule upon the general accuracy of spontaneous public emotion, or the infallibility of the true democratic impulse, which (I beg to quote from the *Messenger*), “in the earliest ages of our history enabled us to resist legalized aggression, and take the reins of government into our own hands,” or, (I now refer to the glowing language of the *Banner*), “gave us the right to run the machine ourselves and boss the job.” And I trust that the reader will observe in this passing recognition of certain inconsistencies in the expression and action of these people, only the fidelity of a faithful chronicler, and no intent of churlish

criticism nor moral or political admonition, which I here discreetly deprecate and disclaim.

Nor was there any opposition when Gabriel, upon the motion of Lawyer Maxwell, was admitted to bail pending the action of the Grand Jury, nor any surprise when Mr. Dumphy's agent and banker came forward as his bondsman for the sum of fifty thousand dollars. By one of those strange vicissitudes in the fortunes of mining speculation, this act by Mr. Dumphy was looked upon as an evidence of his trust in the future of the unfortunate mine of which Gabriel had been original locater and superintendent, and under that belief the stock rallied slightly. "It was a mighty sharp move of Pete Dumphy's bailin' thet Gabe, right in face of that there 'dropped lead' in his busted-up mine! O, you've got to set up all night to get any points to show *him!*" And to their mutual surprise Mr. Dumphy found himself more awe-inspiring than ever at One Horse Gulch, and Gabriel found himself a free man, with a slight popular flavor of martyrdom about him.

As he still persistently refused to enter again upon the premises which he had deeded to his wife on the day of the murder, temporary lodgings were found for him and Olly at the Grand Conroy Hotel. And here Mrs. Markle, although exhibiting to Lawyer Maxwell the greatest concern in Gabriel's trouble, by one of those inconsistencies of the sex which I shall not attempt to explain, treated the unfortunate accused with a degree of cold reserve that was as grateful, I fear, to Gabriel, as it was unexpected. Indeed, I imagine that if the kind hearted widow had known the real comfort and assurance that the exasperating Gabriel extracted from her first cold and constrained greeting, she would have spent less of her time in consultation with Max-

well regarding his defence. But perhaps I am doing a large hearted and unselfish sex a deep injustice. So I shall content myself with transcribing part of a dialogue which took place between them at the Grand Conroy. Mrs. Markle (loftily and regarding the ceiling with cold abstraction): "We can't gin ye here, Mister Conroy, the French style and attention ye're kinder habitooal to in yer own house on the Hill, bein' plain folks and mounting ways. But we know our place and don't reckon to promise the comforts of a home! Wot with lookin' arter forty reg'lar and twenty-five transient—ef I don't happen to see ye much myself, Mr. Conroy, ye'll understand. Ef ye ring thet there bell one o' the helps will be always on hand. Yer lookin' well, Mr. Conroy. And bizness, I reckon," (the reader will here observe a lady-like ignoring of Gabriel's special trouble) "ez about what it allers waz, though judging from remarks of transients, it's dull!" Gabriel, (endeavoring to conceal a large satisfaction under the thin glossing of conventional sentiment): "Don't let me nor Olly put ye out a cent, Mrs. Markle—a change bein' ordered by Olly's physicians—and variety bein', so to speak, the spice o' life! And ye're lookin' well, Mrs. Markle; thet ez," (with a sudden alarm at the danger of compliment) "so to speak, ez peart and strong-handed ez ever!—And how's thet little Marty o' your's gettin' on? Jist how it waz thet me and Olly didn't get to see ye before, ez mighty queer! Times and times ag'in," (with shameless mendacity) "hez me and thet child bin on the p'int o' coming, and suthin' hez jest chipped in and interfered!" Mrs. Markle, (with freezing politeness): "You do me proud! I jest dropped in ez a matter o' not bein' able allers to trust to help. Good-night, Mister Conroy. I hope I see you well! Ye kin

jest" (retiring with matronly dignity) "ye kin jest touch onto that bell thar, if ye're wantin' anything, and help'll come to ye! Good night!" Olly, (appearing a moment later at the door of Gabriel's room truculent and suspicious): "Afore I'd stand thar—chirpin' with thet crockidill—and you in troubil, and not knowin' wot's gone o' July—I'd pizen myself!" Gabriel, (blushing to the roots of his hair, and conscience-stricken to his inmost soul): "It's jest passin' the time o'day, Olly, with old friends—kinder influencin' the public sentyment and the jury. Thet's all. It's the advice o' Lawyer Maxwell, ez ye didn't get to hear, I reckon,—thet's all!"

But Gabriel's experience in the Grand Conroy Hotel was not, I fear, always as pleasant. A dark-faced, large featured woman, manifestly in mourning, and as manifestly an avenging friend of the luckless deceased in whose taking off Gabriel was supposed to be so largely instrumental, presently appeared at the Grand Conroy Hotel, waiting the action of the Grand Jury. She was accompanied by a dark-faced elderly gentleman, our old friend, Don Pedro—she being none other than the unstable-waisted Manuela of Pacific Street—and was, I believe, in the opinion of One Horse Gulch, supposed to be charged with convincing and mysterious evidence against Gabriel Conroy. The sallow-faced pair had a way of meeting in the corridors of the hotel and conversing in mysterious whispers in a tongue foreign to One Horse Gulch, and to Olly, strongly suggestive of revenge and concealed *stilettoes*. Happily, however, for Gabriel he was presently relieved from their gloomy *espionage* by the interposition of a third party—Sal Clark! That individual herself, in the deepest mourning and representing the deceased

in his holiest affections, it is scarcely necessary to say at once resented the presence of the strangers! The two women glared at each other at the public table, and in a chance meeting in the corridor of the hotel. "In the name of God, what have we here in this imbecile and forward creature, and why is this so and after this fashion?" asked Manuela of Don Pedro. "Of a verity, I know not!" replied Don Pedro, "it is most possibly a person visited of God!—a helpless being of no brains. Peradventure a person filled with *aguardiente* or the whiskey of the Americans. Have a care, little one, thou smallest Manuela," (she weighed at least three hundred pounds,) that she does thee no harm!" Meanwhile Miss Sarah Clark relieved herself to Mrs. Markle in quite as positive language, "Ef that black mulattar and that dried up old furriner reckons they're going to monopolize public sentyment in this yer way they're mighty mistaken. Ef thar ever was a shameless piece et's thet old woman—and, goodness knows!—the man's a poor critter enyway! Ef anybody's goin' to take the word of thet woman under oath—et's mor'n Sal Clark would do—that's all! Who ez she—enyway? I never heard her name mentioned afore!" And, ridiculous as it may seem to the unprejudiced reader, this positive expression and conviction of Miss Clark, like all positive convictions, was not without its influence on the larger unimpaneled Grand Jury of One Horse Gulch, and, by reflection, at last on the impaneled Jury itself. "When you come to consider, gentlemen," said one of those dangerous characters—a sagacious, far-seeing juror—"when you come to consider that the principal witness o' the prosecution and the people at that inquest don't know this yer Greaser woman, and kinder throws off her

testimony, and the prosecution don't seem to agree, it looks mighty queer. And I put it to you as far-minded men if it ain't mighty queer? And this yer Sal Clark one of our own people." An impression at once inimical to the new mistress and stranger, and favorable to the accused Gabriel took possession of One Horse Gulch.

Meanwhile the man who was largely responsible for this excitement and these conflicting opinions maintained a gravity and silence as indomitable and impassive as his alleged victim then slumbering peacefully in the little cemetery on Round Hill. He conversed but little even with his counsel and friend, Lawyer Maxwell, and received with his usual submissiveness and gentle deprecatoriness the statement of that gentleman that Mr. Dumphy had already bespoken the services of one of the most prominent lawyers of San Francisco—Mr. Arthur Poinsett—to assist in the defence. When Maxwell added that Mr. Poinsett had expressed a wish to hold his first consultation with Gabriel privately, the latter replied with his usual simplicity, "I reckon I've now't to say to him ez I hain't said to ye, but it's all right!" "Then I'll expect you over to my office at eleven to-morrow?" asked Maxwell. "Thet's so," responded Gabriel, "though I reckon thet anything you and him might fix up to be dumped onto thet jury, would be pleasin' and satisfactory to me."

At a few minutes of eleven the next morning Mr. Maxwell in accordance with a previous understanding with Mr. Poinsett, put on his hat and left his office in the charge of that gentleman that he might receive and entertain Gabriel in complete privacy and confidence. As Arthur sat there alone, fine gentleman as

he was and famous in his profession, he was conscious of a certain degree of nervousness that galled his pride greatly. He was about to meet the man whose cherished sister six years ago he had stolen! Such at least Arthur felt was Gabriel's opinion! *He* had no remorse nor consciousness of guilt or wrong-doing in that act! But in looking at the fact in his professional habit of viewing both sides of a question, he made this allowance for the sentiment of the prosecution, and putting himself, in his old fashion, in the position of his opponent, he judged that Gabriel might consistently exhibit some degree of indignation at their first meeting. That there was, however, really any *moral* question involved, he did not believe. The girl, Grace Conroy, had gone with him readily, after a careful and honorable statement of the facts of her situation, and Gabriel's authority or concern in any subsequent sentimental complication he utterly denied. That he, Arthur, had acted in a most honorable, high-minded, and even weakly generous fashion towards Grace, that he had obeyed her frivolous whims as well as her most reasonable demands, that he had gone back to Starvation Camp on a hopeless quest just to satisfy her, that everything had happened exactly as he had predicted, and that when he had returned to her he found that *she* had deserted *him*—these—these were the facts that were incontrovertible! Arthur was satisfied that he had been honorable and even generous—he was quite convinced that this very nervousness that he now experienced, was solely the condition of a mind too sympathetic even with the feelings of an opponent in affliction. "I must *not* give way to this absurd Quixotic sense of honor," said this young gentleman to himself, severely.

Nevertheless at exactly eleven o'clock, when the staircase creaked with the strong steady tread of the giant Gabriel, Arthur felt a sudden start to his pulse. There was a hesitating rap at the door—a rap that was so absurdly inconsistent with the previous tread on the staircase—as inconsistent as were all the mental and physical acts of Gabriel—that Arthur was amused and reassured. “Come in,” he said with a return of his old confidence, and the door opened to Gabriel, diffident and embarrassed. “I was told by Lawyer Maxwell,” said Gabriel slowly, without raising his eyes and only dimly cognizant of the slight, strong, elegant figure before him, “I was told that Mr. Arthur Poinsett reckoned to see me to-day, at eleven o'clock—so I came. Be you Mr. Poinsett?” (Gabriel here raised his eyes)—“be you, eh?—GOD A'MIGHTY! why it's—eh?—why—I want to know!—it can't be! yes, it is!” He stopped—the recognition was complete!

Arthur did not move. If he had expected an outburst from the injured man before him he was disappointed. Gabriel passed his hard palm vaguely and confusedly across his forehead and through his hair, and lifted and put back behind his ears two tangled locks. And then, without heeding Arthur's proffered hand, yet without precipitation, anger or indignation, he strode toward him, and asked calmly and quietly, as Arthur himself might have done, “Where is Grace?”

“I don't know,” said Arthur, bluntly. “I have not known for years. I have never known her whereabouts, living or dead, since the day I left her at a logger's house to return to Starvation Camp to bring help to *you*.” (Arthur could not resist italicizing the pronoun, nor despising himself for doing it when he saw that the full significance of his emphasis touched the man

before him.) "She was gone when I returned; where, no one knew! I traced her to the Presidio, but there she had disappeared."

Gabriel raised his eyes to Arthur's. The impression of nonchalant truthfulness which Arthur's speech always conveyed to his hearer, an impression that he did not prevaricate because he was not concerned sufficiently in his subject, was further sustained by his calm, clear eyes. But Gabriel did not speak, and Arthur went on:

"She left the logger's camp voluntarily, of her own free will, and doubtless for some reason that seemed sufficient to her. She abandoned me—if I may so express myself—left my care, relieved me of the responsibility I held toward her relatives—" he continued, with the first suggestion of personal apology in his tones—"without a word or previous intimation. Possibly she might have got tired of waiting for me. I was absent two weeks. It was the tenth day after my departure that she left the logger's hut."

Gabriel put his hand in his pocket and deliberately drew out the precious newspaper slip he had once shown to Olly. "Then thet thar 'Personal' wozent writ by you, and thet P. A. don't stand fur Philip Ashley?" asked Gabriel, with a hopeless dejection in his tone.

Arthur glanced quickly over the paper, and smiled. "I never saw this before," he said. "What made you think *I* did it?" he asked curiously.

"Because July—my wife that was—said that P. A. meant you," said Gabriel simply.

"Oh! *she* said so, did she?" said Arthur, still smiling.

"She did. And ef it wasn't you, who was it?"

"I really don't know," returned Arthur carelessly, "possibly it might have been herself. From what I

have heard of your wife I think this might be one, and perhaps the most innocent, of her various impostures."

Gabriel cast down his eyes and for a moment was gravely silent. Then the look of stronger inquiry and intelligence that he had worn during the interview faded utterly from his face, and he began again in his old tone of apology. "For answerin' all my questions, I'm obliged to ye, Mr. Ashley, and it's right good in ye to remember ol' times, and ef I hev often thought hard on ye, ye'll kinder pass that by ez the nat'rel allowin's of a man ez was worried about a sister ez hasn't been heer'd from sens she left with ye. And ye mustn't think this yer meetin' was o' my seekin'. I kinder dropped in yer," he added wearily, "to see a man o' the name o' Poinsett. He allowed to be yer at eleving o'clock—mebbe it's airly yit—mebbe I've kinder got wrong o' the place!" and he glanced apologetically around the room.

"*My* name is Poinsett," said Arthur, smiling, "the name of Philip Ashley, by which you knew me, was merely the one I assumed when I undertook the long overland trip." He said this in no tone of apology or even explanation, but left the impression on Gabriel's mind that a change of name, like a change of dress, was part of the outfit of a gentleman emigrant. And looking at the elegant young figure before him, it seemed exceedingly plausible. "It was as Arthur Poinsett, the San Francisco lawyer, that I made this appointment with you, and it is now as your old friend Philip Ashley, that I invite your confidence, and ask you to tell me frankly the whole of this miserable business. I have come to help you, Gabriel, for your own—for your sister's sake. And I think I can do it!"

He held out his hand again, and this time not in vain; with a sudden frank gesture it was taken in both of Gabriel's, and Arthur felt that the greatest difficulty he had anticipated in his advocacy of Gabriel's cause had been surmounted.

"He has told me the whole story, I think," said Arthur, two hours later, when Maxwell returned and found his associate thoughtfully sitting beside the window alone. "And I believe it. He is as innocent of this crime as you or I. Of that I have always been confident. How far he is accessory *after* the fact—I know he is not accessory *before*—is another question. But his story, that to me is perfectly convincing, I am afraid won't do before a jury and the world generally. It involves too much that is incredible, and damning to him secondarily if believed. We must try something else. As far as I can see, really, it seems that his own suggestion of a defence, as you told it to me, has more significance in it than the absurdity you only saw. We must admit the killing, and confine ourselves to showing excessive provocation. I know something of the public sentiment here, and the sympathies of the average jury, and if Gabriel should tell them the story he has just told me, they would hang him at once! Unfortunately for him, the facts show a complication of property interests and impostures on the part of his wife, of which he is perfectly innocent, and which are not really the motive of the murder, but which the jury would instantly accept as a sufficient motive. We must fight, you understand, this very story, from the outset; you will find it to be the theory of the prosecution, but if we can keep him silent it cannot be proved except by him. The facts are such that if he had really committed the murder he could have defied prosecu-

tion, but through his very stupidity and blind anxiety to shield his wife, he has absolutely fixed the guilt upon himself."

"Then you don't think that Mrs. Conroy is the culprit?" asked Maxwell.

"No," said Arthur, "she is capable but not culpable. The real murderer has never been suspected nor his presence known to One Horse Gulch. But I must see him again and Olly, and you must hunt up a Chinaman—one Ah Fe—who Gabriel tells me brought him the note, and who is singularly enough missing, now that he is wanted."

"But you can't use a Chinaman's evidence before a jury?" interrupted Maxwell.

"Not directly; but I can find Christian Caucasians who would be willing to swear to the facts he supplied them with. I shall get at the facts in a few days—and then, my dear fellow," continued Arthur, laying his hand familiarly and patronizingly on the shoulder of his senior, "and then you and I will go to work to see how we can get rid of them."

When Gabriel recounted the events of the day to Olly, and described his interview with Poinsett, she became furiously indignant. "And did that man mean to say he don't know whether Gracey is livin' or dead? And he pertendin' to hev bin her bo?"

"In course," explained Gabriel; "ye disremember, Olly, thet Gracey never hez let on to *me*, her own brother, war she ez, and she wouldn't be goin' to tell a stranger. Thar's them personals as she never answered!"

"Mebbe she didn't want to speak to him ag'in," said Olly fiercely, with a toss of her curls. "I'd like to know what he'd bin sayin' to her—like his impudence.

Ennyhow he ought to hev found her out, and she his sweetheart! Why didn't he go right off to the Presidio? What did he come back for? Not find her—indeed? Why, Gabe, do you suppose as July won't find *you* out soon—why, I bet anythin' she knows jest whar you are," (Gabriel trembled and felt an inward sinking,) "and is on'y waitin' to come forward to the trial. And yer you are taken in ag'in and fooled by these yer lawyers!—you old Gabe, you. Let me git at thet Philip—Ashley Poinsett—thet's all!"

CHAPTER IV.

What Ah Fe does not know.

THUS admonished by the practical-minded Olly, Gabriel retired precipitately to the secure fastnesses of Conroy's Hill, where, over a consolatory pipe in his deserted cabin, he gave himself up to reflections upon the uncertainty of the sex and the general vagaries of womanhood. At such times, he would occasionally extend his wanderings to the gigantic pine tree which still towered preëminently above its fellows in ominous loneliness, and seated upon one of its out-lying roots, would gently philosophize to himself regarding his condition, the vicissitudes of fortune, the awful prescience of Olly, and the beneficence of a Creator who permitted such awkward triviality and uselessness as was incarnate in himself to exist at all! Sometimes, following the impulse of habit, he would encroach abstractedly upon the limits of his own domain, and find himself under the shadow of his own fine house on the hill—from which, since that eventful parting with his wife, he had always rigidly withheld his foot. As soon as he would make this alarming discovery he would turn back in honorable

delicacy, and a slight sense of superstitious awe. Retreating from one of these involuntary incursions one day, in passing through an opening in a little thicket of "buckeye" near his house, he stumbled over a small work-basket lying in the withered grass, apparently mislaid or forgotten. Gabriel instantly recognized it as the property of his wife, and as quickly recalled the locality as one of her favorite resorts during the excessive midday heats. He hesitated and then passed on, and then stopped and returned again awkwardly and bashfully. To have touched any property of his wife's, after their separation, was something distasteful and impossible to Gabriel's sense of honor; to leave it there the spoil of any passing Chinaman, or the prey of the elements, was equally inconsistent with a certain respect which Gabriel had for his wife's weaknesses. He compromised, by picking it up with the intention of sending it to Lawyer Maxwell, as his wife's trustee. But in doing this, to Gabriel's great alarm, (for he would as soon have sacrificed the hand that held this treasure as to have exposed its contents in curiosity or suspicion,) part of that multitudinous contents overflowed and fell on the ground, and he was obliged to pick them up and replace them. One of them was a baby's shirt—so small it scarcely filled the great hand that grasped it. In Gabriel's emigrant experience, as the frequent custodian and nurse of the incomplete human animal, he was somewhat familiar with those sacred, mummy-like enwrappings usually unknown to childless men, and he recognized it at once.

He did not replace it in the basket, but with a suffused cheek and an increased sense of his usual awkwardness, stuffed it into the pocket of his blouse. Nor did he send the basket to Lawyer Maxwell, as he had

intended, and in fact omitted any allusion to it in his usual account to Olly of his daily experience. For the next two days he was peculiarly silent and thoughtful, and was sharply reprimanded by Olly for general idiocy and an especial evasion of some practical duties.

"Yer's them lawyers hez been huntin' ye to come over and examine that there Chinaman, Ah Fe, ez is jest turned up ag'in, and you ain't no whar to be found—and Lawyer Maxwell sez it's a most important witness. And war 'bout was ye found? Down in the Gulch chirpin' and gossipin' with that Arkansas family, and totin' round Mrs. Welch's baby. And you a growed man, with a fammerly of yer own to look after. I wonder ye ain't got more *sabe!*—prancin' round in this yer shiftless way, and you on trial—and accused o' killin' folks. Yer a high ole Gabe—rentin' yerself out fur a dry nuss for nothin'!" Gabriel, (coloring and hastily endeavoring to awaken Olly's feminine sympathies): "It waz the powerfulest smallest baby—ye oughter get ter see it, Olly! 'Tain't bigger nor a squirrel—on'y two weeks old yesterday!" Olly, (outwardly scornful, but inwardly resolving to visit the phenomenon next week): "Don't stand yawpin' here, but waltz down to Lawyer Maxwell and see thet Chinaman."

Gabriel reached the office of Lawyer Maxwell just as that gentleman and Arthur Poinsett were rising from a long, hopeless and unsatisfactory examination of Ah Fe. The lawyers had hoped to be able to establish the fact of Gabriel's remoteness from the scene of the murder, by some corroborating incident or individual that Ah Fe could furnish in support of the detailed narrative he had already given. But it did not appear that any Caucasian had been encountered or met by Ah Fe at the time of his errand. And Ah Fe's memory of the

details he had already described was apparently beginning to be defective; it was evident that nothing was to be gained from him even if he had been constituted a legal witness. And then, more than all, he was becoming sullen!

"We are afraid that we haven't made much out of your friend, Ah Fe," said Arthur, taking Gabriel's hand. "You might try if *you* can revive his memory, but it looks doubtful." Gabriel gazed at Ah Fe intently—possibly because he was the last person who had spoken to his missing wife. Ah Fe returned the gaze, discharging all expression from his countenance except a slight suggestion of the habitual vague astonishment always seen in the face of a new-born infant. Perhaps this peculiar expression, reminding Gabriel as it did of the phenomenon in the Welch family interested him. But the few vague wandering questions he put were met by equally vague answers. Arthur rose in some impatience; Lawyer Maxwell wiped away the smile that had been lingering around his mouth. The interview was ended.

Arthur and Maxwell passed down the narrow stairway arm in arm. Gabriel would have followed them with Ah Fe, but turning toward that Mongolian, he was alarmed by a swift spasm of expression that suddenly convulsed Ah Fe's face. He winked both his eyes with the velocity of sheet-lightning, nodded his head with frightful rapidity, and snapped and apparently dislocated every finger on his right hand. Gabriel gazed at him in open-mouthed wonder.

"All litye!" said Ah Fe, looking intently at Gabriel.

"Which?" asked Gabriel.

"All litye! You shabbee 'all litye!' *She* say 'all litye.'"

"Who's *she*?" asked Gabriel in sudden alarm.

"You lifee!—shabbee?—Misse Conloy! She likee you—shabbee? Me likee you!—shabbee? Miss Conloy she say 'all litee!' You shabbee shelliff?"

"Which!" said Gabriel.

"Shelliff! Man plenty chokee bad man!"

"Sheriff I reckon," suggested Gabriel with great gravity.

"Um! Shelliff. Mebbe you shabbee him bimeby. He chokee bad man. Much chokee. Chokee like hellee! *He no chokee you.* No. Shabbee? She say 'shelliff no chokee you.' Shabbee?"

"I see," said Gabriel significantly.

"She say," continued Ah Fe, with gasping swiftness, "she say you talkee too much. She say me talkee too much. She say Maxwelllee talkee too much. All talkee too much. She say 'no talkee!' Shabbe? She say 'ash up!' Shabbee? She say 'dly up!' Shabbee? She say 'bimeby plenty talkee—bimeby all litee!' Shabbee?"

"But whar ez she—whar kin I git to see her?" asked Gabriel.

Ah Fe's face instantly discharged itself of all expression! A wet sponge could not have more completely obliterated all penciled outline of character or thought from his blank slate-colored physiognomy than did Gabriel's simple question. He returned his questioner's glance with ineffable calmness and vacancy, patiently drew the long sleeves of his blouse still further over his varnished fingers, crossed them submissively and orientally before him, and waited apparently for Gabriel to become again intelligible.

"Look yer," said Gabriel, with gentle persuasiveness, "ef it's the same to ye, you'd be doin' me a heap o' good ef you'd let on whar thet July—thet Mrs.

Conroy ez. Bein' a man ez in his blindness bows down to wood and stun, ye ain't supposed to allow fur a Christin's feelings. But I put to ye ez a far-minded brethren—a true man and a man whatsoever his color—that it's a square thing fur ye to allow to me whar thet woman ez ez my relation by marriage ez hidin'! Allowin' it's one o' my idols—I axes you ez a brother Pagan—whar ez she?"

A faint, flickering smile of pathetic abstraction and simplicity, as of one listening to far-off but incomprehensible music stole over Ah Fe's face. Then he said kindly, gently, but somewhat vaguely and unsatisfactorily:

"Me no shabbee Melican man. Me washee shirtee! dollah and hap dozen!"

CHAPTER V.

The People vs. John Doe *alias* Gabriel Conroy, and Jane Roe *alias* Julie Conroy. Before Boompinter, J.

THE day of the trial was one of exacting and absorbing interest to One Horse Gulch. Long before ten o'clock the Court-room and even the halls and corridors of the lately rehabilitated Court House were thronged with spectators. It is only fair to say that by this time the main points at issue were forgotten. It was only remembered that some of the first notabilities of the state had come up from Sacramento to attend the trial; that one of the most eminent lawyers in San Francisco had been engaged for the prisoner at a fee variously estimated from Fifty to One Hundred Thousand Dollars, and that the celebrated Col. Starbottle of Siskiyou was to assist in the prosecution; that a brisk duel of words, and, it was confidently hoped, a

later one of pistols, would grow out of this forensic encounter; that certain disclosures affecting men and women of high social standing were to be expected; and finally, that in some mysterious way a great political and sectional principle (Col. Starbottle was from the South and Mr. Poinsett from the North) was to be evolved and upheld during the trial—these were the absorbing fascinations to One Horse Gulch.

At ten o'clock Gabriel, accompanied by his counsel, entered the Court-room, followed by Col. Starbottle. Judge Boompointer, entering at the same moment, bowed distantly to Arthur and familiarly to Col. Starbottle. In his *otium*, off the bench, he had been chaffed by the District Attorney, and had lost large sums at play with Col. Starbottle. Nevertheless he was a trifle uneasy under the calmly critical eyes of the famous young advocate from San Francisco. Arthur was too wise to exhibit his fastidiousness before the Court; nevertheless Judge Boompointer was dimly conscious that he would on that occasion have preferred that the Clerk who sat below him had put on a cleaner shirt, and himself refrained from taking off his cravat and collar, as was his judicial habit on the Wingdam circuit. There was some slight prejudice on the part of the panel to this well-dressed young lawyer, which they were pleased to specify and define more particularly as his general "airiness." Seeing which Justice, on the bench, became more dignified, and gazed severely at the panel and at Arthur.

In the selection of the jury there was some difficulty; it was confidently supposed that the prisoner's counsel would challenge the array on the ground of the recent vigilance excitement, but public opinion was disappointed when the examination by the defence

was confined to trivial and apparently purposeless inquiry into the nativity of the several jurors. A majority of those accepted by the defence were men of Southern birth and education. Col. Starbottle, who, as a representative of the peculiar chivalry of the South, had always adopted this plan himself, in cases where his client was accused of assault and battery, or even homicide, could not in respect to his favorite traditions object to it. But when it was found that there were only two men of Northern extraction on the jury, and that not a few of them had been his own clients, Col. Starbottle thought he had penetrated the theory of the defence.

I regret that Col. Starbottle's effort, admirably characterized by the *Banner* as "one of the most scathing and Junius-like gems of legal rhetoric ever known to the Californian Bar," has not been handed down to me in *extenso*. Substantially, however, it appeared that Col. Starbottle had never before found himself in "so peculiar, so momentous, so—er—delicate a position. A position, sir, er—er—gentlemen, fraught with the deepest social, professional—er—er—he should not hesitate to say, upon his own personal responsibility, a position of the deepest political significance! Col. Starbottle was aware that this statement might be deprecated—nay, even *assailed* by some. But he did not retract that statement. Certainly not in the presence of that jury, in whose intelligent faces he saw—er—er—er—justice—inflexible justice!—er—er mingled and er—mixed with—with chivalrous instinct, and suffused with the characteristic—er—er—glow of—er—er—" (I regret to add that at this supreme moment, as the Colonel was lightly waving away with his fat, right hand the difficulties of rhetoric, a sepulchral voice au-

dible behind the jury suggested "Robinson County whisky" as the origin of the phenomena the Colonel hesitated to describe. The judge smiled blandly and directed the deputy sheriff to preserve order. The deputy obeyed the mandate by looking over into the crowd behind the jury and saying, in an audible tone, "You'd better dry up thar, Joe White, or git out o' that!" and the Colonel, undismayed, proceeded.) "He well understood the confidence placed by the defence in these gentlemen. He had reason to believe that an attempt would be made to show that this homicide was committed in accordance with certain—er—er—principles held by honorable men—that the act was retributive, and in defence of an invasion of domestic rights and the sanctity of wedlock. But he should show them its fallacy. He should show them that only a base pecuniary motive influenced the prisoner. He should show them—er—er—that the accused had placed himself, firstly, by his antecedent acts, and secondly, by the manner of the later act, beyond the sympathies of honorable men. He should show them a previous knowledge of certain—er—er—indiscretions on the part of the prisoner's wife, and a condonation by the prisoner of those indiscretions, that effectually debarred the prisoner from the provisions of the code; he should show an inartistic, he must say, even on his own personal responsibility, a certain ungentlemanliness, in the manner of the crime that refused to clothe it with the—er—er—generous mantle of chivalry. The crime of which the prisoner was accused might have—er—er—been committed by a Chinaman or a nigger. Col. Starbottle did not wish to be misunderstood. It was not in the presence of—er—Beauty—" (the Colonel paused, drew out his handkerchief, and

gracefully waved it in the direction of the dusky Manuela and the truculent Sal—both ladies acknowledging the courtesy as an especial and isolated tribute, and exchanging glances of the bitterest hatred,) “it is not, gentlemen, in the presence of an all-sufficient and enthralling sex that I would seek to disparage their influence with man. But I shall prove that this absorbing—er—er—passion, this—er—er—delicious,—er—er—fatal weakness that rules the warlike camp, the—er—er—stately palace, as well as the—er—er—cabin of the base-born churl, never touched the calculating soul of Gabriel Conroy! Look at him, gentlemen! Look at him, and say upon your oaths, upon your experience as men of gallantry, if he is a man to sacrifice himself for a woman. Look at him and say truly, as men personally responsible for their opinions, if he is a man to place himself in a position of peril through the blandishments of—er—er—Beauty, or sacrifice himself upon the—er—er—altar of Venus!”

Every eye was turned upon Gabriel. And certainly at that moment he did not bear any striking resemblance to a sighing Amaryllis or a passionate Othello. His puzzled, serious face, which had worn a look of apologetic sadness, was suffused at this direct reference of the prosecution, and long, heavy lower limbs, which he had diffidently tucked away under his chair to reduce the elevation of his massive knees above the ordinary level of one of the court-room chairs, retired still further. Finding himself, during the Colonel's rhetorical pause, still the centre of local observation, he slowly drew from his pocket a small comb, and began awkwardly to comb his hair with an ineffective simulation of preoccupation and indifference.

“Yes, sir,” continued the Colonel, with that lofty

forensic severity so captivating to the spectator, "you may comb yer hair," (hyar was the Colonel's pronunciation,) "but yer can't comb it so as to make this intelligent jury believe that it is fresh from the hands of —er—er—Delilah."

The Colonel then proceeded to draw an exceedingly poetical picture of the murdered Ramirez,—“a native, appealing to the sympathies of every southern man, a native of the tropics, impulsive, warm, and peculiarly susceptible, as we all are, gentlemen, to the weaknesses of the heart. The Colonel would not dwell further upon this characteristic of the deceased. There were, within the sound of his voice, visible to the sympathizing eyes of the jury, two beings who had divided his heart's holiest affections—their presence was more eloquent than words. This man, continued the Colonel, a representative of one of our oldest Spanish families—a family that recalled the days of er—er—the Cid and Don John—this man had been the victim at once of the arts of Mrs. Conroy and the dastardly fears of Gabriel Conroy; of the wiles of the woman and the stealthy steel of the man.

Colonel Starbottle would show that personating the character and taking the name of Grace Conroy, an absent sister of the accused, Mrs. Conroy, then really Madame Devarges, sought the professional aid of the impulsive and generous Ramirez to establish her right to a claim then held by the accused—in fact wrongfully withheld from his own sister, Grace Conroy. That Ramirez, believing implicitly in the story of Madame Devarges with the sympathy of an overflowing nature, gave her that aid until her marriage with Gabriel exposed the deceit. Col. Starbottle would not characterize

the motives of such a marriage. It was apparent to the jury. They were intelligent men and would detect the unhallowed combination of two confederates, under the sacrament of a holy institution to deceive the trustful Ramirez. It was a nuptial feast at which er—er—Mercury presided, and not er—er—Hymen. Its only issue was fraud and murder. Having obtained possession of the property in a common interest, it was necessary to remove the only witness of the fraud, Ramirez. The wife found a willing instrument in the husband. And how was the deed committed? Openly and in the presence of witnesses? Did Gabriel even assume a virtue, and under the pretext of an injured husband challenge the victim to the field of honor? No! No, gentlemen. Look at the murderer and contrast his enormous bulk with the er—slight, graceful, youthful figure of the victim, and you will have an idea of the er—er—enormity of the crime.”

After this exordium came the *testimony*; i. e. facts, colored more or less unconsciously, according to the honest prejudices of the observer, his capacity to comprehend the fact he had observed, and his disposition to give his theory regarding that fact rather than the fact itself. And when the blind had testified to what they saw and the halt had stated where they walked and ran, the prosecution rested with a flush of triumph.

They had established severally: that the deceased had died from the effects of a knife wound; that Gabriel had previously quarreled with him and was seen on the hill within a few hours of the murder; that he had absconded immediately after, and that his wife was still a fugitive, and that there was ample motive for the deed in the circumstances surrounding the prisoner.

Much of this was shaken on cross examination. The surgeon who made the autopsy was unable to say whether the deceased, being consumptive, might not have died from consumption that very night. The witness who saw Gabriel pushing the deceased along the road, could not swear positively whether the deceased were not pulling Gabriel instead, and the evidence of Mrs. Conroy's imposture was hearsay only. Nevertheless bets were offered in favor of Starbottle against Poinsett—that being the form in which the interest of One Horse Gulch crystallized itself.

When the prosecution rested, Mr. Poinsett of counsel for defence, moved for the discharge of the prisoner, no evidence having been shown of his having had any relations with or knowledge of the deceased until the day of the murder, and none whatever of his complicity with the murderess, against whom the evidence of the prosecution and the arguments of the learned prosecuting attorney were chiefly directed.

Motion overruled. A sigh of relief went up from the spectators and the jury. That any absurd technical objection should estop them from that fun which as law-abiding citizens they had a right to expect, seemed oppressive and scandalous, and when Arthur rose to open for the defence, it was with an instinctive consciousness that his audience were eyeing him as a man who had endeavoured to withdraw from a race.

Ridiculous as it seemed in reason, it was enough to excite Arthur's flagging interest and stimulate his combativeness. With ready tact he fathomed the expectation of the audience and at once squarely joined issue with the Colonel.

Mr. Poinsett differed from his learned friend in be-

lieving this case was at all momentous or peculiar. It was a quite common one—he was sorry to say a *very* common one—in the somewhat hasty administration of the law in California. He was willing to admit a peculiarity in his eloquent brother's occupying the line of attack, when his place was clearly at his, Mr. Poinsett's side. He should overlook some irregularities in the prosecution from this fact, and from the the natural confusion of a man possessing Col. Starbottle's quick sympathies, who found himself arrayed against his principles. He should, however, relieve them from that confusion, by stating that there really was no principle involved beyond the common one of self-preservation. He was willing to admit the counsel's ingenious theory that Mrs. Conroy—who was not mentioned in the indictment or indeed any other person not specified, had committed the deed for which his client was charged. But as they were here to try Gabriel Conroy only, he could not see the relevancy of the testimony to that fact. He should content himself with the weakness of the accusation. He should not occupy their time, but should call at once to the stand the prisoner; the man who, the jury would remember, was now, against all legal precedent, actually, if not legally, placed again in peril of his life, in the very building which but a few days before had seen his danger and his escape.

He should call Gabriel Conroy.

There was a momentary sensation in the court. Gabriel uplifted his huge frame slowly and walked quietly toward the witness box. His face slightly flushed under the half-critical, half-amused gaze of the spectators, and those by whom he brushed as he made his way through the crowd noticed that his

breathing was hurried. But when he reached the box, his face grew more composed, and his troubled eyes presently concentrated their light fixedly upon Col. Starbottle. Then the clerk mumbled the oath and he took his seat.

"What is your name?" asked Arthur.

"I reckon ye mean my real name?" queried Gabriel with a touch of his usual apology.

"Yes, certainly, your real name, sir," replied Arthur a little impatiently.

Col. Starbottle pricked up his ears and lifting his eyes met Gabriel's dull concentrated fires full in his own.

Gabriel then raised his eyes indifferently to the ceiling. "My real name—my genooine name is Johnny Dumbledee. J-o-n-n-y, Johnny, D-u-m-b-i-l-d-e, Johnny Dumbledee!"

There was a sudden thrill, and then a stony silence. Arthur and Maxwell rose to their feet at the same moment. "What?" said both those gentlemen sharply, in one breath.

"Johnny Dumbledee," repeated Gabriel slowly, and with infinite deliberation, "Johnny Dumbledee ez my rele name. I hev frequent," he added turning around in easy confidence to the astonished Judge Boompointer, "I hev frequent allowed I was Gabriel Conroy—the same not bein' the truth. And the woman ez I married—*her* name was Grace Conroy, and the heap o' lies ez thet God-forsaken old liar over thar—he indicated the gallant Col. Starbottle with his finger), hez told passes my pile! Thet woman, my wife ez was and ez—waz Grace Conroy. (To the Colonel gravely). You hear me! And the only imposture, please your Honor and this yer Court, and you gentl'men, was ME!"

CHAPTER VI.

In Rebuttal.

THE utter and complete astonishment created by Gabriel's reply was so generally diffused that the equal participation of Gabriel's own counsel in this surprise was unobserved. Maxwell would have risen again hurriedly, but Arthur laid his hand on his shoulder.

"The man has gone clean mad!—this is suicide," whispered Maxwell excitedly. "We must get him off the stand. You must explain!"

"Hush!" said Arthur quickly. "Not a word! Show any surprise and we're lost!"

In another instant all eyes were fixed upon Arthur, who had remained standing, outwardly calm. There was but one idea dominant in the audience. What revelation would the next question bring? The silence became almost painful as Arthur quietly and self-containedly glanced around the court-room and at the jury, as if coolly measuring the effect of a carefully-planned dramatic sensation. Then, when every neck was bent forward and every ear alert, Arthur turned nonchalantly yet gracefully to the bench.

"We have no further questions to ask, your Honor," he said quietly, and sat down.

The effect of this simple, natural, and perfectly consistent action was tremendous! In the various triumphs of Arthur's successful career, he felt that he had never achieved as universal and instantaneous popularity. Gabriel was forgotten; the man who had worked up this sensation—a sensation whose darkly mysterious bearing upon the case no one could fathom, or even cared to fathom, but a sensation that each man confidently believed held the whole secret of the crime—

this man was the hero! Had it been suggested, the jury would have instantly given a verdict for this hero's client without leaving their seats. The betting was two to one on Arthur. I beg to observe that I am writing of men, impulsive, natural, and unfettered in expression and action by any tradition of logic or artificial law—a class of beings much idealized by poets, and occasionally, I believe, exalted by latter-day philosophers.

Judge Boompointer looked at Col. Starbottle. That gentleman, completely stunned and mystified by the conduct of the defence, fumbled his papers, coughed, expanded his chest, rose, and began the cross-examination.

"You have said your name was—er—er—Johnny—er—er—" (the Colonel was here obliged to consult his papers,) "er—John Dumbledee. What was your idea, Mr. Dumbledee, in—er—assuming the name of—er—er—Gabriel Conroy?"

Objected to by counsel for defence. Argument:—Firstly, motives, like beliefs, not admissible; case cited, *Higginbottom vs. Smithers*. Secondly, not called out on Direct Ex.; see *Swinke vs. Swanke*, opinion of Muggins, J., 2 Cal. Rep. Thirdly, witness not obliged to answer questions tending to self-crimination. Objection overruled by the Court. Precedent not cited; real motive, Curiosity. Boompointer, J. Question repeated:—

"What was your idea or motive in assuming the name of Gabriel Conroy?"

Gabriel (cunningly and leaning confidentially over the arm of his chair): "Wot would be *your* idee of a motif?"

The witness, amidst much laughter, was here

severely instructed by the Court that the asking of questions was not the function of a witness. The witness must answer.

Gabriel: "Well, Gabriel Conroy was a purty name—the name of a man ez I onst knew ez died in Starvation Camp. It kinder came easy, ez a sort o' inter-duckshun, don't ye see, Jedge, toe his sister Grace, ez was my wife. I kinder reckon, between you and me, ez thet name sorter helped the courtin' along—she bein' a shy critter, outer her own fammerly."

Question: "In your early acquaintance with the deceased, were you not known to him as Gabriel Conroy, always, and not as—er—er—Johnny Dumbledee?"

Arthur Poinsett here begged to call the attention of the Court to the fact that it had not yet been shown that Gabriel—that is, Johnny Dumbledee—had ever had any *early* acquaintance with the deceased. The Court would not fail to observe that counsel on the direct examination had restricted themselves to a simple question—the name of the prisoner.

Objection sustained by Judge Boompointer, who was beginning to be anxious to get at the facts. Whereat Col. Starbottle excepted, had no more questions to ask, and Gabriel was commanded to stand aside.

Betting now five to one on Arthur Poinsett; Gabriel's hand, on leaving the witness box, shaken cordially by a number of hitherto disinterested people. Hurried consultation between defendant's counsel. A note handed to Col. Starbottle. Intense curiosity manifested by Manuela and Sal regarding a closely veiled female, who enters a moment later, and is conducted with an excess of courtesy to a seat by the gallant Colonel. General impatience of audience and jury.

The defence resumed. Michael O'Flaherty called;

nativity, County Kerry, Ireland. Business, Miner. On night of the murder, while going home from work, met deceased on Conroy's Hill, dodging in among the trees, fur all the wurreld like a thafe. A few minutes later overtook Gabriel Conroy half a mile further on, on the same road, going in same direction as witness, and walked with him to Lawyer Maxwell's office. Cross examined: Is naturalized. Always voted the Dimmycratic ticket. Was always opposed to the government—bad cess to it—in the ould counthry, and isn't thet mane to go back on his principles here. Doesn't know that a Chinaman has affirmed to the same fact of Gabriel's *alibi*. Doesn't know what an *alibi* is; thinks he would if he saw it. Believes a Chinaman is worse nor a nigger. Has noticed that Gabriel was left handed.

Amadee Michet, sworn for defence; nativity, France. Business, Foreman of *La Parfaite Union*. Frequently walks to himself in the beautiful grove on Conroy's Hill. Comes to him on the night of the 15th, Gabriel Conroy departing from his house. It is then seven hours, possibly more, not less. The night is fine. This Gabriel salutes him, in the American fashion, and is gone. Eastward. Ever to the east. Watches M. Conroy because he wears a *triste* look, as if there were great sadness *here* (in the breast of the witness' blouse). Sees him vanish in the gulch. Returns to the Hill and there overhears voices, a man's and a woman's. The woman's voice is that of Mdme. Conroy. The man's voice is to him strange and not familiar. Will swear positively it was not Gabriel's. Remains on the Hill about an hour. Did not see Gabriel again. Saw a man and woman leave the Hill and pass by the Wingdam road as he was going home. To the best of his belief the woman was Mrs. Conroy. Do not know.

the man. Is positive it was not Gabriel Conroy. Why? Eh! Mon Dieu, is it possible that one should mistake a giant?

Cross examined. Is a patriot—do not know what is this Democrat you call. Is a hater of aristocrats. Do not know if the deceased was an aristocrat. Was not enraged with Mdme. Conroy. Never made love to her. Was not jilted by her. This is all what you call too theen, eh? Has noticed that the prisoner was left-handed.

Helling Ditmann; nativity, Germany. Does not know the deceased; does know Gabriel. Met him the night of the 19th on the road from Wingdam; thinks it was after eight o'clock. He was talking to a Chinaman.

Cross examined. Has not been told that these are the facts stated by the Chinaman. Believes a Chinaman as good as any other man. Don't know what you mean. How comes dese dings. Has noticed the prisoner used his left hand efery dime.

Dr. Pressnitz recalled. Viewed the body at nine o'clock on the 16th. The blood stains on the linen and the body had been slightly obliterated and diluted with water, as if they had been subjected to a watery application. There was an unusually heavy dew at seven o'clock that evening, not later. Has kept a meteorological record for the last three years. Is of the opinion that this saturation might be caused by dew falling on a clot of coagulated blood. The same effect would not be noticeable on a freshly bleeding wound. The hygrometer showed no indication of a later fall of dew. The night was windy and boisterous after eight o'clock, with no humidity. Is of the opinion that the body as seen by him, first assumed its position

before eight o'clock. Would not swear positively that the deceased expired before that time. Would swear positively that the wounds were not received after eight o'clock. From the position of the wound, should say it was received while the deceased was in an upright position and the arm raised as if in struggling. From the course of the wound should say it could not have been dealt from the left hand of an opponent. On the cross examination, Dr. Pressnitz admitted that many so called "left-handed men" were really ambi-dexterous. Was of the opinion that perspiration would *not* have caused the saturation of the dead man's linen. The saturation was evidently after death—the blood had clotted. Dr. Pressnitz was quite certain that a dead man did not perspire.

The defence rested amid a profound sensation. Col. Starbottle, who had recovered his jaunty spirits, apparently influenced by his animated and gallant conversation with the veiled female, rose upon his short stubby feet and withdrawing his handkerchief from his breast laid it upon the table before him. Then carefully placing the ends of two white pudgy fingers upon it, Col. Starbottle gracefully threw his whole weight upon their tips, and leaning elegantly toward the veiled figure called "Grace Conroy."

The figure arose, slight, graceful, elegant; hesitated a moment, and then slipped a lissom shadow through the crowd as a trout glides through a shallow, and before the swaying, moving mass had settled to astonished rest, stood upon the witness stand. Then with a quick dexterous movement she put aside the veil, that after the Spanish fashion was both bonnet and veil, and revealed a face so exquisitely beautiful and gracious, that even Manuela and Sal were awed into speechless

admiration. She took the oath with downcast lids, whose sweeping fringes were so perfect that this very act of modesty seemed to the two female critics as the most artistic coquetry, and then raised her dark eyes and fixed them upon Gabriel.

Col. Starbottle waved his hand with infinite gallantry. "What is er—your name?"

"Grace Conroy."

"Have you a brother by the name of Gabriel Conroy?"

"I have."

"Look around the court and see if you can recognize him!"

The witness with her eyes still fixed on Gabriel pointed him out with her gloved finger. "I do. He is there!"

"The prisoner at the bar?"

"Yes."

"He is Gabriel Conroy?"

"He is."

"How long is it since you have seen him?"

"Six years."

"Where did you see him last, and under what circumstances?"

"At Starvation Camp, in the Sierras. I left there to get help for him and my sister."

"And you have never seen him since?"

"Never!"

"Are you aware that among the—er—er—unfortunates who perished, a body that was alleged to be yours was identified?"

"Yes."

"Can you explain that circumstance?"

"Yes. When I left I wore a suit of boy's clothes.

I left my own garments for Mrs. Peter Dumphy, one of our party. It was her body, clothed in my garments that was identified as myself."

"Have you any proof of that fact other than your statement?"

"Yes. Mr. Peter Dumphy, the husband of Mrs. Dumphy, my brother, Gabriel Conroy, and—"

"May it please the Court," (the voice was Arthur Poinsett's, cool, quiet, and languidly patient,) "may it please the Court, we of the defence—to save your Honor and the jury some time and trouble—are willing to admit this identification of our client as Gabriel Conroy, and the witness, without further corroboration than her own word, as his sister. Your Honor and the gentlemen of the jury will not fail to recognize in the evidence of our client as to his own name and origin, a rash, foolish, and, on behalf of myself and my colleague, I must add, unadvised attempt to save the reputation of the wife he deeply loves from the equally unadvised and extraneous evidence brought forward by the prosecution. But we must insist, your Honor, that all this is impertinent to the real issue, the killing of Victor Ramirez by John Doe, *alias* Gabriel Conroy. Admitting the facts just testified to by the witness, Grace Conroy, we have no cross-examination to make."

The face of the witness, which had been pale and self-possessed, flushed suddenly as she turned her eyes upon Arthur Poinsett. But that self-contained scamp retained an unmoved countenance as, at Judge Boompointer's unusually gracious instruction that the witness might retire, Grace Conroy left the stand. To a question from the Court, Col. Starbottle intimated that he should offer no further evidence in rebuttal.

"May it please the Court," said Arthur quietly, "if

we accept the impeachment by a sister of a brother on trial for his life, without comment or cross-examination, it is because we are confident—legally confident—of showing the innocence of that brother by other means. Recognizing the fact that this trial is not for the identification of the prisoner under any name or *alias*, but simply upon the issue of the fact, whether he did or did not commit murder upon the body of Victor Ramirez, as specified in the indictment, we now, waiving all other issues, prepare to prove his innocence by a single witness. That this witness was not produced earlier, was unavoidable; that his testimony was not outlined in the opening, was due to the fact that only within the last half-hour had he been within the reach of the mandate of this Court.” He would call Henry Perkins!

There was a slight stir among the spectators by the door as they made way to a quaint figure that, clad in garments of a by-gone fashion, with a pale, wrinkled, yellow face, and gray hair from which the dye had faded, stepped upon the stand.

Is a translator of Spanish and searcher of deeds to the Land Commission. Is called an expert. Recognizes the prisoner at the bar. Saw him only once, two days before the murder, in passing over Conroy’s Hill. He was sitting on the door-step of a deserted cabin with a little girl by his side. Saw the deceased twice. Once when he came to Don Pedro’s house in San Francisco to arrange for the forgery of a grant that should invalidate one already held by the prisoner’s wife. Saw the deceased again, after the forgery, on Conroy’s Hill, engaged in conversation with the prisoner’s wife. Deceased appeared to be greatly excited, and suddenly drew a knife and made an attack upon

the prisoner's wife. Witness reached forward and interposed in defence of the woman, when the deceased turned upon him in a paroxysm of insane rage, and a struggle took place between them for the possession of the knife, witness calling for help. Witness did not succeed in wresting the knife from the hands of deceased; it required all his strength to keep himself from bodily harm. In the midst of the struggle, witness heard steps approaching, and again called for help.

The witness' call was responded to by a voice in broken English, unintelligible to witness, apparently the voice of a Chinaman. At the sound of the voice and the approach of footsteps, the deceased broke from witness, and running backward a few steps, plunged the knife into his own breast and fell. Witness ran to his side and again called for help. Deceased turned upon him with a ghastly smile and said, "Bring any one here and I'll accuse you before them of my murder!" Deceased did not speak again, but fell into a state of insensibility. Witness became alarmed reflecting upon the threat of the deceased, and did not go for help. While standing irresolutely by the body, Mrs. Conroy, the prisoner's wife, came upon him. Confessed to her the details just described, and the threat of the deceased. She advised the instant flight of the witness, and offered to go with him herself. Witness procured a horse and buggy from a livery stable, and at half-past nine at night took Mrs. Conroy from the hillside near the road, where she was waiting. Drove to Markleville that night, where he left her under an assumed name, and came alone to San Francisco and the Mission of San Antonio. Here he learned from the last witness, the prisoner's sister, Grace Conroy, of the arrest of her

brother for murder. Witness at once returned to One Horse Gulch, only to find the administration of justice in the hands of a Vigilance Committee. Feeling that his own life might be sacrificed without saving the prisoner's, he took refuge in a tunnel on Conroy's Hill. It chanced to be the same tunnel which Gabriel Conroy and his friend afterwards sought in escaping from the Vigilance Committee after the earthquake. Witness, during the absence of Gabriel, made himself known to Mr. Jack Hamlin, Gabriel's friend and comrade in flight, and assured him of the witness' intention to come forward whenever a fair trial could be accorded to Gabriel. After the re-arrest and bailing of Gabriel, witness returned to San Francisco to procure evidence regarding the forged grant, and proofs of Ramirez's persecution of Mrs. Conroy. Had brought with him the knife, and had found the cutler who sold it to deceased eight months before, when deceased first meditated an assault on Mrs. Conroy. Objected to, and objection overruled by a deeply interested and excited Court.

"That is all," said Arthur.

Col. Starbottle, seated beside Grace Conroy, did not, for a moment, respond to the impatient eyes of the audience in the hush that followed. It was not until Grace Conroy whispered a few words in his ear, that the gallant Colonel lifted his dilated breast and self-complacent face above the level of the seated counsel.

"What—er—er—was the reason—why did the—er—er—deeply anxious wife, who fled with you, and thus precipitated the arrest of her husband—why did not she return with you to clear him from suspicion? Why does she remain absent?"

"She was taken ill—dangerously ill at Markleville. The excitement and fatigue of the journey had brought on premature confinement. A child was born—"

There was a sudden stir among the group beside the prisoner's chair. Col. Starbottle, with a hurried glance at Grace Conroy, waved his hand toward the witness and sat down. Arthur Poinsett rose. "We ask a moment's delay, your Honor. The prisoner has fallen in a fit."

CHAPTER VII.

A Family Greeting.

WHEN Gabriel opened his eyes to consciousness, he was lying on the floor of the jury room, his head supported by Olly, and a slight, graceful, womanly figure, that had been apparently bending over him, in the act of slowly withdrawing from his awakening gaze. It was his Sister Grace.

"Thar, you're better now," said Olly, taking her brother's hand, and quietly ignoring her sister, on whom Gabriel's eyes were still fixed. "Try and raise yourself inter this chair. Thar—thar now—that's a good old Gabe—thar I reckon you're more comfortable!"

"It's Gracey!" whispered Gabriel hoarsely, with his eyes still fixed upon the slight, elegantly-dressed woman, who now, leaning against the door-way stood coldly regarding him. "It's Gracey—your sister, Olly!"

"Ef you mean the woman who hez been tryin' her best to swar away your life, and kem here allowin' to do it—she ain't no sister o' mine—not," added Olly

with a withering glance at the simple elegance of her sister's attire, "not even ef she does trapse in yer in frills and tuckers—more shame for her?"

"If you mean," said Grace, coldly, "the girl whose birthright you took away by marrying the woman who stole it, if you mean the girl who rightfully bears the name that you denied, under oath, in the very shadow of the gallows, she claims nothing of you but her name."

"Thet's so," said Gabriel simply. He dropped his head between his great hands, and a sudden tremor shook his huge frame.

"Ye ain't goin' to be driv inter histeriks agin along o' that crockodill," said Olly bending over her brother in alarm, "don't ye—don't ye cry, Gabe!" whimpered Olly, as a few drops oozed between Gabriel's fingers, "don't ye take on, darling, *afore her!*"

The two sisters glared at each other over the helpless man between them. Then another woman entered who looked sympathetically at Gabriel and then glared at them both. It was Mrs. Markle. At which, happily for Gabriel, the family bickering ceased.

"It's all over, Gabriel! you're clar!" said Mrs. Markle, ignoring the sympathies as well as the presence of the two other ladies. "Here's Mr. Poinsett."

He entered quickly, but stopped and flushed slightly under the cold eyes of Grace Conroy. But only for a moment. Coming to Gabriel's side, he said kindly, "Gabriel, I congratulate you. The acting District Attorney, has entered a *nolle prosequi*, and you are discharged."

"Ye mean I kin go," said Gabriel, suddenly lifting his face.

"Yes. You are as free as air."

"And ez to *her*?" asked Gabriel quickly.

"Who do you mean?" replied Arthur, involuntarily glancing in the direction of Grace, whose eyes dropped scornfully before him.

"My wife—July—is *she* clar too?"

"As far as this trial is concerned, yes," returned Arthur, with a trifle less interest in his voice, which Gabriel was quick to discern.

"Then I'll go," said Gabriel rising to his feet. He made a few steps to the door and then hesitated, stopped, and turned toward Grace. As he did so his old apologetic, troubled, diffident manner returned.

"Ye'll exkoos me, Miss," he said, looking with troubled eyes upon his newly found sister, "ye'll exkoos me, ef I haven't the time now to do the agreeable and show ye over yer property on Conroy's Hill. But it's thar! It's all thar ez Lawyer Maxwell kin testify. It's all thar and the house is open, ez it always was to ye, ez the young woman who keeps the house kin tell ye. I'd go thar with ye ef I hed time, but I'm startin' out now, to-night, to see July. Toe see my wife, Miss Conroy, to see July ez is expectin'! When I say 'expectin',' I don't mean *me*—far from it. But expectin' a little stranger—my chile! And I reckon afore I get thar thar'll be a baby—a pore little, helpless new-born baby—ony *so* long!" added Gabriel exhibiting his fore finger as a degree of mensuration, "and ez a famerly man, being ladies, I reckon you reckon I oughter be thar." (I grieve to state that at this moment the ladies appeared to exchange a glance of supreme contempt, and am proud to record that Lawyer Maxwell and Mr. Poinsett exhibited the only expression of sympathy with the speaker, that was noticeable in the group). Arthur

detected it and said, I fear none the less readily for that knowledge, "Don't let us keep you, Gabriel, we understand your feelings. Go at once."

"Take me along, Gabe," said Olly, flashing her eyes at her sister, and then turning to Gabriel with a quivering upper lip.

Gabriel turned, swooped his tremendous arm around Olly, lifted her bodily off her feet, and saying, "You're my own little girl," vanished through the doorway.

This movement reduced the group to Mrs. Markle and Grace Conroy, confronted by Mr. Poinsett and Maxwell. Mrs. Markle relieved an embarrassing silence by stepping forward and taking the arm of Lawyer Maxwell and leading him away. Arthur and Grace were left alone.

For the first time in his life Arthur lost his readiness and self-command. He glanced awkwardly at the woman before him, and felt that neither conventional courtesy nor vague sentimental recollection would be effective here.

"I am waiting for my maid," said Grace coldly, "if as you return to the court room you will send her here, you will oblige me."

Arthur bowed confusedly. "Your maid—"

"Yes, you know her, I think, Mr. Poinsett," continued Grace, lifting her arched brows with cold surprise. "Manuela!"

Arthur turned pale and red. He was conscious of being not only awkward, but ridiculous.

"Pardon me—perhaps I am troubling you—I will go myself," said Grace, contemptuously.

"One moment, Miss Conroy," said Arthur, instinctively stepping before her as she moved as if to

pass him, "one moment, I beg." He paused, and then said, with less deliberation and more impulsively than had been his habit for the last six years: "You will, perhaps, be more forgiving to your brother if you know that I, who have had the pleasure of meeting you since—since—you were lost to us all—I, who have not had his pre-occupation of interest in another—even I, have been as blind, as foolish, as seemingly heartless as he. You will remember this, Miss Conroy—I hope quite as much for its implied compliment to your complete disguise, and an evidence of the success of your own endeavors to obliterate your identity, as for its being an excuse for your brother's conduct if not for my own. *I did not know you.*"

Grace Conroy paused and raised her dark eyes to his. "You spoke of my brother's pre-occupation with—with the woman for whom he would have sacrificed anything—*me*—his very life! I can—I am a woman—I can understand *that*! You have forgotten, Don Arturo, you have forgotten—pardon me—I am not finding fault—it is not for me to find fault—but you have forgotten—Doña Maria Sepulvida!"

She swept by him with a rustle of silk and lace and was gone. His heart gave a sudden bound; he was about to follow her, when he was met at the door by the expanding bosom of Col. Starbottle.

"Permit me, sir, as a gentleman, as a man of—er—er—er—honor! to congratulate you, sir! When we—er—er—parted in San Francisco, I did not think that I would have the—er—er—pleasure—a rare pleasure to Col. Starbottle, sir, in his private as well as his—er—er—public capacity of—er—er—a PUBLIC APOLOGY. Ged, sir! I have made it! Ged, sir! when

I entered that *nolle pros.*, I said to myself—I did, blank my blank soul!—I said, ‘Star., this is an apology—blank me!—an apology, sir! But you are responsible, sir, you are responsible, Star! personally responsible!’”

“I thank you,” said Arthur abstractedly, still straining his eyes after the retreating figure of Grace Conroy, and trying to combat a sudden instinctive jealousy of the man before him, “I thank you, Colonel, on behalf of my client and myself.”

“Ged, sir,” said Col. Starbottle, blocking up the way, with a general expansiveness of demeanor, “Ged, sir, this is not all. You will remember that our recent interview in San Francisco was regarding another and a different issue. That, sir, I am proud to say, the developments of evidence in this trial have honorably and—er—er—as a lawyer, I may say, have legally settled. With the—er—er—identification and legal—er—er—rehabilitation of Grace Conroy, that claim of my client falls to the ground. You may state to your client, Mr. Poinsett, that—er—er—upon my own personal responsibility I abandon the claim.”

Arthur Poinsett stopped and looked fixedly at the gallant Colonel. Even in his sentimental pre-occupation the professional habit triumphed. “You withdraw Mrs. Dumphy’s claim upon Mr. Dumphy?” he said slowly.

Col. Starbottle did not verbally reply. But that gallant warrior allowed the facial muscles on the left side of his face to relax so that one eye was partially closed.

“Yes, sir,—there is a matter of a few thousand dollars that—er—er—you understand I am—er—er—personally responsible for.”

"That will never be claimed, Col. Starbottle," said Arthur, smiling, "and I am only echoing, I am sure, the sentiments of the man most concerned, who is approaching us—Mr. Dumphy!"

CHAPTER VIII.

In which the Footprints return.

MR. JACK HAMLIN was in very bad case. When Dr. Duchesne, who had been summoned from Sacramento, arrived, that eminent surgeon had instantly assumed such light-heartedness and levity toward his patient, such captiousness toward Pete, with an occasional seriousness of demeanor when he was alone, that, to those who knew him, it was equal to an unfavourable prognosis. Indeed, he evaded the direct questioning of Olly, who had lately constituted herself a wondrously light-footed, soft-handed assistant of Pete, until one day when they were alone, he asked, more seriously than was his wont, if Mr. Hamlin had ever spoken of his relations, or if she knew of any of his friends who were accessible.

Olly had already turned this subject over in her womanly mind, and had thought once or twice of writing to the Blue Moselle; but on the direct questioning of the doctor and its peculiar significance, she recalled Jack's confidences on their midnight ride, and the Spanish beauty he had outlined. And so one evening, when she was alone with her patient, and the fever was low, and Jack lay ominously patient and submissive, she began—what the Doctor had only lately abandoned—probing a half-healed wound.

"I reckon you'd hev been a heap more comfortable

ef this thing hed happened to ye down thar in San Antonio," said Olly.

Jack rolled his dark eyes wonderingly upon his fair persecutor.

"You know you'd hev had thet thar sweetheart o' yours—thet Mexican woman—sittin' by ye, instead o' me—and Pete," suggested the artful Olympia.

Jack nearly leaped from the bed. "Do you reckon I'd hev rung myself in as a wandering cripple—a tramp thet hed got peppered—on a lady like *her*? Look yer, Olly," continued Mr. Hamlin, raising himself on his elbow; "if you've got the idea thet thet woman is one of them hospital sharps—one of them angels who waltz round a sick man with a bottle of camphor in one hand and a tract in the other—you had better disabuse your mind of it at once, Miss Conroy; take a back seat and wait for a new deal. And don't you go to talkin' of thet lady as my sweetheart—it's—it's—sacrilegious—and the meanest kind of a bluff."

As the day of the trial drew near Mr. Hamlin had expressed but little interest in it, and had evidently only withheld his general disgust of Gabriel's weakness from consideration of his sister. Once Mr. Hamlin condescended to explain his apparent coldness.

"There's a witness coming, Olly, that'll clear your brother—more shame for him—the man ez *did* kill Ramirez. I'm keeping my sympathies for that chap. Don't you be alarmed. If that man don't come up to the scratch, I will. So—don't you go whining round. And ef you'll take my advice, you'll keep clear o' that court, and let them lawyers fight it out. It will be time enough for you to go when they send for *me*."

"But you can't move—you ain't strong enough," said Olly.

"I reckon Pete will get me there some way if he has to pack me on his back. I ain't a heavy weight now," said Jack, looking sadly at his thin white hands. "I've reckoned on that and even if I should pass in my checks there's an affidavit already sworn to in Maxwell's hands."

Nevertheless, on the day of the trial, Olly still doubtful of Gabriel, and still mindful of his capacity to develop "God forsaken mulishness" was nervous and uneasy, until a messenger arrived from Maxwell, with a note to Hamlin, carrying the tidings of the appearance of Perkins in Court and closing with a request for Olly's presence.

"Who's Perkins?" asked Olly as she reached for her hat in nervous excitement.

"He's no slouch," said Jack sententiously. "Don't ask questions. It's all right with Gabriel now," he added assuringly, "He's as good as clear. Run away, Miss Conroy. Hold up a minit! There, kiss me! Look here, Olly, say!—do you take any stock in that lost sister of yours that your d—d fool brother is always gabbing about? You do! Well you are as big a fool as he! There! There!—never mind now—she's turned up at last! Much good may it do you. One! two!—go!" and as Olly's pink ribbons flashed through the doorway Mr. Hamlin lay down again with a twinkle in his eye.

He was alone. The house was very quiet and still; most of the guests, and the hostess and her assistant were at the all-absorbing trial; even the faithful Pete, unconscious of any possible defection of his assistant, Olly, had taken the opportunity to steal away to hear the arguments of counsel. As the retreating footsteps

of Olly echoed along the vacant corridor he felt that he possessed the house completely.

This consciousness, to a naturally active man, bored by illness and the continuous presence of attendants, however kind and devoted, was at first a relief. Mr. Hamlin experienced an instant desire to get up and dress himself, to do various things which were forbidden—but which now an overruling Providence had apparently placed within his reach. He rose with great difficulty, and a physical weakness that seemed altogether inconsistent with the excitement he was then feeling, and partially dressed himself. Then he was suddenly overtaken with great faintness and vertigo, and staggering to the open window fell in a chair beside it. The cool breeze revived him for a moment, and he tried to rise but found it impossible. Then the faintness and vertigo returned, and he seemed to be slipping away somewhere,—not altogether unpleasantly nor against his volition—somewhere where there was darkness and stillness and rest. And then he slipped back almost instantly as it seemed to him, to a room full of excited and anxious people, all extravagantly and as he thought, ridiculously concerned about himself. He tried to assure them that he was all right, and not feeling any worse for his exertion, but was unable to make them understand him. Then followed Night, replete with pain and filled with familiar voices that spoke unintelligibly, and then Day, devoted to the monotonous repetition of the last word or phrase that the Doctor or Pete or Olly had used, or the endless procession of Olly's pink ribbons and the tremulousness of a window curtain, or the black, sphynx-like riddle of a pattern on the bed quilt, or the wall paper. Then there was sleep that was tur-

bulent and conscious, and wakefulness that was lethargic and dim, and then infinite weariness, and then, lapses of utter vacuity,—the occasional ominous impinging of the shadow of death.

But through this chaos there was always a dominant central figure—a figure partly a memory, and, as such, surrounded by consistent associations; partly a reality and incongruous with its surroundings—the figure of Doña Dolores! But whether this figure came back to Mr. Hamlin out of the dusky arches of the Mission Church in a cloud of incense, besprinkling him with holy water, or whether it bent over him, touching his feverish lips with cool drinks, or smoothing his pillow, a fact utterly unreal and preposterous seen against the pattern of the wall paper, or sitting on the familiar chair by his bedside—it was always there. And when, one day, the figure stayed longer, and the interval of complete consciousness seemed more protracted, Mr. Hamlin, with one mighty effort, moved his lips, and said feebly,

“Doña Dolores!”

The figure started, leaned its beautiful face, blushing a celestial, rosy red, above his own, put its finger to its perfect lips, and said in plain English,

“Hush! I am Gabriel Conroy’s sister.”

CHAPTER IX.

In which Mr. Hamlin passes.

WITH his lips sealed by the positive mandate of the lovely spectre, Mr. Hamlin resigned himself again to weakness and sleep. When he awoke, Olly was sitting by his bedside; the dusky figure of Pete, spectacled and reading a good book was dimly outlined against the window,—but that was all. The vision—if vision it was—had fled.

“Olly,” said Mr. Hamlin, faintly.

“Yes!” said Olly, opening her blue eyes in expectant sympathy.

“How long—have I been dr—I mean how long has this—spell lasted?”

“Three days,” said Olly.

“The —— you say!” (a humane and possible weak consideration for Mr. Hamlin in his new weakness and suffering, restricts me to a mere outline of his extravagance of speech.)

“But you’re better now,” supplemented Olly.

Mr. Hamlin began to wonder faintly if his painful experience of the last twenty-four hours were a part of his convalescence. He was silent for a few moments and then suddenly turned his face toward Olly.

“Didn’t you say something about—about—your sister the other day?”

“Yes,—she’s got back,” said Olly, curtly.

“Here?”

“Here.”

“Well?” said Mr. Hamlin a little impatiently.

“Well,” returned Olly with a slight toss of her curls.

"She's got back and I reckon it's about time she did."

Strange to say, Olly's evident lack of appreciation of her sister seemed to please Mr. Hamlin,—possibly because it agreed with his own idea of Grace's superiority and his inability to recognize or accept her as the sister of Gabriel.

"Where has she been all this while?" asked Jack, rolling his large hollow eyes over Olly.

"Goodness knows! Says she's bin livin' in some fammerly down in the south—Spanish I reckon—thet's whar she gits those airs and graces."

"Has she ever been here,—in this room?" asked Mr. Hamlin.

"Of course she has," said Olly. "When I left you to go with Gabe to see his wife at Wingdam, she volunteered to take my place. Thet woz while you woz flighty, Mr. Hamlin. But I reckon she admired to stay here on account of seein' her bo!"

"Her what?" asked Mr. Hamlin, feeling the blood fast rushing to his colorless face.

"Her bo," repeated Olly, "thet thar Ashley or Poinsett—or whatever he calls hisself now!"

Mr. Hamlin here looked so singularly, and his hand tightened so strongly around Olly's that she hurriedly repeated to him the story of Grace's early wanderings and her absorbing passion for their former associate Arthur Poinsett. The statement was, in Olly's present state of mind, not favorable to Grace. "And she just came up yer, only to see Arthur agin. Thet's all. And she nearly swearin' her brother's life away—and pretendin' it was only done to save the fammerly name. Jest az if it hed been any more comfortable fur Gabriel to have been hung in his own

name. And then goin' and accusin' thet innocent ole lamb, Gabe, of conspiring with July to take her name away. Purty goin's on, I reckon. And thet man Poinsett by her own showin'—never lettin' on to see her nor us,—nor any body. And she sassin' *me* fur givin' my opinion of him—and excusin' him by sayin' she didn't want him to know *whar* she was. And she refusin' to see July at all—and pore July lyin' thar at Wingdam, sick with a new baby. Don't talk to me about her!"

"But your sister didn't run away with—with—this chap. She went away to bring you help," interrupted Jack, hastily dragging Olly back to earlier history.

"Did she? Couldn't she trust her bo to go and get help and then come back fur her?—reckonin' he cared for her at all. No, she waz thet crazy after him she couldn't trust him outer her sight—and she left the camp and Gabe and ME for him. And then the idee of *her* talking to Gabriel about bein' disgraced by July. Ez ef she had never done any thin' to spile her own name, and puttin' on such airs and—"

"Dry up!" shouted Mr. Hamlin turning with sudden savageness upon his pillow. "Dry up!—don't you see you're driving me half-crazy with your infernal buzzing!" He paused as Olly stopped in mingled mortification and alarm, and then added in milder tones. "There, that'll do. I'm not feeling well, to-day. Send Dr. Duchesne to me if he's here. Stop one moment—there! good bye, go!"

Olly had risen promptly. There was always something in Mr. Hamlin's positive tones that commanded an obedience that she would have refused to any other. Thoroughly convinced of some important change in Mr. Hamlin's symptoms she sought the Doctor at once.

Perhaps she brought with her some of her alarm and anxiety, for a moment later that distinguished physician entered with less deliberation than was his habit. He walked to the bedside of his patient and would have taken his hand but Jack slipped his tell-tale pulse under the covers and looking fixedly at the Doctor, said,

"Can I be moved from here?"

"You can, but I should hardly advise—"

"I didn't ask that. This is a lone hand I'm playin,' Doctor, and if I'm euchred, tain't your fault. How soon?"

"I should say," said Dr. Duchesne, with professional caution, "that if no bad symptoms supervene," (he made here a half habitual, but wholly ineffectual dive for Jack's pulse,) "you might go in a week."

"I must go *now*!"

Dr. Duchesne bent over his patient. He was a quick as well as a patiently observing man, and he saw something in Jack's face that no one else had detected. Seeing this he said, "You can go now—at a great risk—the risk of your life?"

"I'll take it!" said Mr. Hamlin promptly. "I've been playin' agin odds," he added with a faint but audacious smile, "for the last six months, and it's no time to draw out now. Go on, tell Pete to pack up and get me ready."

"Where are you going?" asked the Doctor quietly, still gazing at his patient.

"To!—blank!" said Mr. Hamlin impulsively. Then recognizing the fact that in view of his having traveling companions, some more definite and practicable locality was necessary, he paused a moment, and said, "To the Mission of San Antonio."

"Very well," said the Doctor gravely.

Strange to say whether from the Doctor's medication, or from the stimulus of some reserved vitality hitherto unsuspected, Mr. Hamlin from that moment rallied. The preparations for his departure were quickly made, and in a few hours he was ready for the road. "I don't want to have any body cacklin' around me," he said in deprecation of any leave-taking, "I leave the board, they can go on with the game." Notwithstanding which, at the last moment Gabriel hung awkwardly and heavily around the carriage in which the invalid was seated. "I'd foller arter ye Mr. Hamlin, in a buggy," he interpolated in gentle deprecation of his unwieldy and difficult bulk, "but I'm sorter kept yer with my wife—who is powerful weak along of a pore small baby—about so long—the same not bein' a fammerly man yourself you don't kinder get the hang of. I thought it might please ye to know that I got bail yesterday fur thet Mr. Perkins—ez didn't kill that thar Ramirez—the same havin' killed hisself—ez woz fetched out on the trial which I reckon ye didn't get to hear. I admire to see ye lookin' so well, Mr. Hamlin, and I'm glad Olly's goin' with ye. I reckon Grace would hev gone too, but she's sorter skary about strangers, hevin' bin engaged these seving years to a young man by the name o' Poin-sett ez waz one o' my counsel, and hevin' lately had a row with the same—one o' them lover's fights—which bein' a young man yourself, ye kin kindly allow for."

"Drive on," imprecated Mr. Hamlin furiously to the driver, "what in the name of blank are you waiting for," and with the whirling wheels Gabriel dropped off apologetically in a cloud of dust, and Mr. Hamlin sank back exhaustedly on the cushions.

Notwithstanding, as he increased his distance from One Horse Gulch, his spirits seemed to rise, and by the time they had reached San Antonio, he had recovered his old audacity and dash of manner, and raised the highest hopes in the breast of everybody but—his Doctor. Yet that gentleman after a careful examination of his patient one night said privately to Pete, "I think this exaltation will last about three days longer. I am going to San Francisco. At the end of that time I shall return—unless you telegraph to me before that." He parted gayly from his patient, and seriously from everybody else. Before he left he sought out Padre Felipe. "I have a patient here, in a critical condition," said the Doctor, "the hotel is no place for him. Is there any family here—any house that will receive him, under your advice for a week. At the end of that time he will be better, or beyond *our* ministrations. He is not a Protestant—he is nothing. You have had experience with the Heathen, Father Felipe."

Father Felipe looked at Dr. Duchesne. The Doctor's well earned professional fame had penetrated even San Antonio; the Doctor's insight and intelligence were visible in his manner, and touched the Jesuit instantly. "It is a strange case, my son, a sad case," he said thoughtfully, "I will see."

He did. The next day under the directions of Father Felipe, Mr. Hamlin was removed to the Rancho of the Blessed Fisherman, and notwithstanding the fact that its hostess was absent was fairly installed as its guest. When Mrs. Sepulvida returned from her visit to San Francisco, she was at first astonished, then excited, and then I fear, gratified.

For she at once recognized in this guest of Father

Felipe, the mysterious stranger whom she had, some weeks ago, detected on the plains of the Blessed Trinity. And Jack, despite his illness, was still handsome, and had moreover the melancholy graces of invalidism, which go far with an habitually ailing sex. And so she coddled Mr. Hamlin and gave him her sacred hammock by day over the porch and her best bedroom at night. And then, at the close of a pleasant day, she said archly,

"I think I have seen you before, Mr. Hamlin—at the Rancho of the Blessed Trinity. You remember—the house of Doña Dolores?"

Mr. Hamlin was too observant of the sex to be impertinently mindful of another woman than his interlocutor, and assented with easy indifference.

Doña Maria (now thoroughly convinced that Mr. Hamlin's attentions on that eventful occasion were intended for herself, and even delightfully suspicious of some pre-arranged plan in his present situation): "Poor Doña Dolores. You know we have lost her forever."

Mr. Hamlin asked, "When?"

"That dreadful earthquake on the 8th."

Mr. Hamlin, reflecting that the appearance of Grace Conroy was on the 10th, assented again abstractedly.

"Ah yes! so sad! And yet, perhaps, for the best. You know the poor girl had a hopeless passion for her legal adviser—the famous Arthur Poinsett! Ah! you did not. Well, perhaps it was only merciful that she died before she knew how insincere that man's attentions were. You are a believer in special Providences, Mr. Hamlin?"

Mr. Hamlin (doubtfully): "You mean a run of luck?"

Doña Maria, (rapidly, ignoring Mr. Hamlin's illustration): "Well, perhaps *I* have reason to say so. Poor Doña Dolores was my friend. Yet, would you believe there were people—you know how ridiculous is the gossip of a town like this—there are people who believed that he was paying attention to ME!"

Mrs. Sepulvida hung her head archly. There was a long pause. Then Mr. Hamlin called faintly:

"Pete!"

"Yes, Mars Jack."

"Ain't it time to take that medicine?"

When Dr. Duchesne returned he ignored all this little by-play, and even the anxious inquiries of Olly, and said to Mr. Hamlin:

"Have you any objections to my sending for Dr. Mackintosh—a devilish clever fellow?"

And Mr. Hamlin had none. And so after a private telegram, Dr. Mackintosh arrived, and for three or four hours the two doctors talked in an apparently unintelligible language, chiefly about a person whom Mr. Hamlin was satisfied did not exist. And when Dr. Mackintosh left, Dr. Duchesne, after a very earnest conversation with him on their way to the stage office, drew a chair beside Mr. Hamlin's bed.

"Jack!"

"Yes, sir."

"Have you got everything fixed—all right?"

"Yes, sir."

"Jack!"

"Yes, sir."

"You've made Pete very happy this morning."

Jack looked up at Dr. Duchesne's critical face, and the Doctor went on gravely.

"Confessing religion to him—saying you believed as he did!"

A faint laugh glimmered in the dark hollows of Jack's eyes.

"The old man," he said explanatorily, "has been preachin' mighty heavy at me ever since t'other doctor came, and I reckoned it might please him to allow that everything he said was so. You see the old man's bin right soft on me, and between us, Doctor, I ain't much to give him in exchange. It's no square game!"

"Then you believe you're going to die?" said the Doctor gravely.

"I reckon."

"And you have no directions to give me?"

"There's a blank hound at Sacramento—Jim Briggs, who borrowed and never gave back my silver-mounted Derringers, blank him! that I reckoned to give you! Tell him he'd better give them up or I'll—"

"Jack," interrupted Dr. Duchesne with infinite gentleness, laying his hand on the invalid's arm, "you must not think of me."

Jack pressed his friend's hand.

"There's my diamond pin up the spout at Wingdam, and the money gone to Lawyer Maxwell to pay witnesses for that blank old fool Gabriel. And then when Gabriel and me was escaping I happened to strike the very man, Perkins, who was Gabriel's principal witness, and he was dead broke, and I had to

give him my solitaire ring to help him get away and be on hand for Gabriel. And Olly's got my gold specimen to be made into a mug for that cub of that old she tiger—Gabriel's woman—that Madame Devarges. And my watch—who in blank *has* got my watch?" said Mr. Hamlin reflectively.

"Never mind those things, Jack. Have you any word to send—to—anybody?"

"No."

There was a long pause. In the stillness the ticking of a clock on the mantel became audible. Then there was a laugh in the ante-room, where a professional brother of Jack's had been waiting, slightly under the influence of grief and liquor.

"Scotty ought to know better—than to kick up a row in a decent woman's house," whispered Jack faintly. "Tell him to dry up, blank him, or I'll—"

But his voice was failing him, and the sentence remained incomplete.

"Doc.," (after a long effort.)

"Jack."

"Don't—let—on—to Pete—I fooled—him."

"No, Jack."

They were both still for several minutes. And then Dr. Duchesne softly released his hand and laid that of his patient white and thin upon the coverlid before him. Then he rose gently and opened the door of the anteroom. Two or three eager faces confronted him. "Pete," he said gravely, "I want Pete—no one else."

The old negro entered with a trembling step. And

then catching sight of the white face on the pillow, he uttered one cry—a cry replete with all the hysterical pathos of his race, and ran and dropped on his knees beside—it! And then the black and the white face were near together and both were wet with tears.

Dr. Duchesne stepped forward and would have laid his hand gently upon the old servant's shoulder. But he stopped, for suddenly both of the black hands were lifted wildly in the air and the black face with rapt eyeballs turned toward the ceiling as if they had caught sight of the steadfast blue beyond. Perhaps they had.

“O de Lord God! whose prechiss blood washes de brack sheep and de white sheep all de one color! O de Lamb ob God! Sabe, sabe dis por' dis por' boy. O Lord God for MY sake. O de Lord God dow knowst fo' twenty years Pete, ole Pete has walked in dy ways—has found de Lord and him crucified!—and has been dy servant. O de Lord God—O de bressed Lord, ef it's all de same to you, let all dat go fo' nowt. Let ole Pete go! and send down dy mercy and forgiveness fo' *him!*”

CHAPTER X.

In the Old Cabin again.

THERE was little difficulty in establishing the validity of Grace Conroy's claim to the Conroy grant under the bequest of Dr. Devarges. Her identity was confirmed by Mr. Dumphy—none the less readily that it relieved him of a distressing doubt about the late Mrs. Dumphy, and did not affect his claim to the mineral discovery which he had purchased from Gabriel and his wife. It was true that since the dropping of the lead the mine had been virtually abandoned, and was comparatively of little market value. But Mr. Dumphy still clung to the hope that the missing lead would be discovered.

He was right. It was some weeks after the death of Mr. Hamlin, that Gabriel and Olly stood again beneath the dismantled roof-tree and bare walls of his old cabin on Conroy Hill. But the visit this time was not one of confidential disclosure nor lonely contemplation, but with a practical view of determining whether this first home of the brother and sister could be repaired and made habitable, for Gabriel had steadily refused the solicitations of Grace that he should occupy his more recent mansion. Mrs. Conroy and infant were at the hotel.

"Thar, Olly," said Gabriel, "I reckon that a cart-load o' boards and a few days' work with willin' hands, will put that thar shanty back ag'in ez it used to be when you and me waz childun."

"Yes," said Olly abstractedly.

"We've had good times yer, Olly, you and me!"

"Yes," said Olly, with eyes still afar.

Gabriel looked down—a great ways—on his sister, and then suddenly took her hand and sat down upon the door-step, drawing her between his knees after the old fashion.

"Ye ain't hearkenin' to me, Olly dear!"

Whereat Miss Olympia instantly and illogically burst into tears, and threw her small arms about Gabriel's huge bulk. She had been capricious and fretful since Mr. Hamlin's death, and it may be that she embraced the dead man again in her brother's arms. But her outward expression was, "Gracey! I was thinking o' poor Gracey, Gabe!"

"Then," said Gabriel, with intense archness and cunning, "you was thinking o' present kempany, for ef I ain't blind, that's them coming up the hill."

There were two figures slowly coming up the hill outlined against the rosy sunset. A man and woman—Arthur Poinsett and Grace Conroy. Olly lifted her head and rose to her feet. They approached nearer. No one spoke. The next instant—impulsively I admit, inconsistently I protest—the sisters were in each other's arms. The two men looked at each other, awkward, reticent, superior.

Then, the women having made quick work of it, the two men were treated to an equally illogical, inconsistent embrace. When Grace at last, crying and laughing, released Gabriel's neck from her sweet arms, Mr. Poinsett assumed the masculine attitude of pure reason.

"Now that you have found your sister, permit me

to introduce you to my wife," he said to Gabriel, taking Grace's hand in his own.

Whereat Olly flew into Poinsett's arms, and gave him a fraternal and conciliatory kiss. Tableau.

"You don't look like 'a bride," said the practical Olly to Mrs. Poinsett, under her breath, "you ain't got no veil, no orange blossoms—and that black dress—"

"We've been married seven years, Olly," said the quick-eared and ready-witted Arthur.

And then these people began to chatter as if they had always been in the closest confidence and communion.

"You know," said Grace to her brother, "Arthur and I are going East, to the states, to-morrow, and really, Gabe, he says he will not leave here until you consent to take back your house—your wife's house, Gabe. You know WE," (there was a tremendous significance in this newly-found personal plural,) "WE have deeded it all to you."

"I hev a dooty to per-form to Gracey," said Gabriel Conroy, with astute deliberation looking at Mr. Poinsett, "a dooty to thet gal, thet must be done afore any trans-fer of this yer propputty is made. I hev to make restitootion of certing papers ez hez fallen casoo-ally into my hands. This yer paper," he added, drawing a soiled yellow envelope from his pocket, "kem to me a week ago, the same hevin' lied in the Express Office sens the trial. It belongs to Gracey, I reckon, and I hands it to her."

Grace tore open the envelope, glanced at its contents hurriedly, uttered a slight cry of astonishment, blushed, and put the paper into her pocket.

"This yer paper," continued Gabriel gravely, drawing another from the pocket of his blouse, "was found by me in the Empire Tunnel the night I was runnin' from the lynchers. It likewise b'longs to Gracey—and the world gin'rally. It's the record of Dr. Devarges' fust discovery of the silver lead on this yer hill, and," continued Gabriel with infinite gravity, "wipes out, so to speak, this yer mineral right o' me and Mr. Dumphy and the stockholders gin'rally."

It was Mr. Poinsett's turn to take the paper from Gabriel's hands. He examined it attentively by the fading light. "That is so," he said earnestly, "it is quite legal and valid."

"And thar ez one paper more," continued Gabriel, this time putting his hand in his bosom and drawing out a buckskin purse, from which he extracted a many folded paper. "It's the grant that Dr. Devarges gave Gracey, thet thet pore Mexican Ramirez ez—may be ye may remember was killed—handed to my wife, and July, my wife—" said Gabriel with a prodigious blush—"hez bin sorter keepin' IN TRUST for Gracey!"

He gave the paper to Arthur who received it, but still retained a warm grasp of Gabriel's massive hand.

"And now," added Gabriel, "et's gittin' late and I reckon et's about the square thing ef we'd ad-journ this yer meeting to the hotel, and ez you're goin' away, may be ye'd make a partin' visit with yer wife, forgettin' and forgivin' like, to Mrs. Conroy and the baby—a pore little thing—that, ye wouldn't believe it, Mr. Poinsett, looks like me!"

But Olly and Grace had drawn aside and were in the midst of an animated conversation. And Grace was saying:

"So I took the stone from the fire just as I take this—(she picked up a fragment of the crumbling chimney before her,) it looked black and burnt just like this, and I rubbed it hard on the blanket so, and it shone, just like silver, and Dr. Devarges said:"

"We are going, Grace," interrupted her husband, "we are going to see Gabriel's wife." Grace hesitated a moment, but as her husband took her arm he slightly pressed it with a certain matrimonial caution, whereupon with a quick impulsive gesture, Grace held out her hand to Olly and the three gayly followed the bowed figure of Gabriel as he strode through the darkening woods.

CHAPTER XI.

The Return of a Footprint.

I REGRET that no detailed account of the reconciliatory visit to Mrs. Conroy has been handed down, and I only gather a hint of it from after comments of the actors themselves. When the last words of parting had been said, and Grace and Arthur had taken their seats in the Wingdam coach, Gabriel bent over his wife's bedside.

"It kinder seemed ez ef you and Mr. Poinsett recognized each other at first, July," said Gabriel.

"I *have* seen him before—not here! I don't think he'll ever trouble us much, Gabriel," said Mrs. Conroy, with a certain triumphant lighting of the cold fires of her gray eyes. "But look at the baby. He's laughing! He knows you, I declare!" And in Gabriel's rapt astonishment at this unprecedented display of intelligence in one so young, the subject was dropped.

"Why, where did you ever see Mrs. Conroy before?" asked Grace of her husband, when they had reached Wingdam that night.

"I never saw *Mrs. Conroy* before," returned Arthur with legal precision. "I met a lady in St. Louis years ago under another name, who, I dare say, is now your brother's wife. But—I think, Grace—the less we see of her—the better."

"Why?"

"By the way, darling, what was that paper that

Gabriel gave you?" asked Arthur, lightly avoiding the previous question.

Grace drew the paper from her pocket, blushed slightly, kissed her husband, and then putting her arms around his neck, laid her face in his breast, while he read aloud, in Spanish, the following:—

"This is to give trustworthy statement that on the 18th of May, 1848, a young girl, calling herself Grace Conroy, sought shelter and aid at the Presidio of San Geronimo. Being friendless—but of the B V. M. and the Saints—I adopted her as my daughter, with the name of Dolores Salvatierra. Six months after her arrival, on the 12th November, 1848, she was delivered of a dead child, the son of her affianced husband, one Philip Ashley. Wishing to keep her secret from the world and to prevent recognition by the members of her own race and family, by the assistance and advice of an Indian *peon*, Manuela, she consented that her face and hands should be daily washed by the juice of the *Yokoto*—whose effect is to change the skin to the color of bronze. With this metamorphosis she became known, by my advice and consent, as the daughter of the Indian Princess Nicata and myself. And as such I have recognized in due form, her legal right in the apportionment of my estate.

Given at the Presidio of San Geronimo, this 1st day of December, 1848.

JUAN HERMENIZILDO SALVATIERRA."

"But how did Gabriel get this?" asked Arthur.

"I—don't—know!" said Grace.

"To whom did *you* give it?"

"To—Padre Felipe."

"Oh! I see," said Arthur. "Then *you* are Mr. Dumphy's long lost wife!"

"I don't know what Father Felipe did," said Grace tossing her head slightly. "I put the matter in his hands."

"The whole story?"

"I said nothing about you—you great goose!"

Arthur kissed her by way of acknowledging the justice of the epithet.

"But I ought to have told Mrs. Sepulvida the whole story when she said you proposed to her. You're sure

you didn't?" continued Grace, looking into her husband's eyes.

"Never," said that admirable young man, promptly.

CHAPTER XII.

Fragment of a Letter from Olympia Conroy to Grace Poinsett.

"—the baby is doing well. And only think—Gabe has struck it again! And you was the cause, dear—and he says it all belongs to you—like the God-forsaken old mule that he is. Don't you remember when you was telling me about Doctor Divergers giving you that rock and how you rubed it untill the silver shone, well, you took up a rock from our old chimbly and rubed it, while you was telling it. And thet rock Gabe came acrost next morning, all shining where you had rubed it. And shure enuff it was sollid silver. And then Gabe says, says he, We've struck it agin, fur the chimbly rock was taken from the first hole I dug on the hill only a hunderd feet from here. And shure enuff, yesterday he purspected the hole and found the leed agin. And we are all very ritch agin and comin' to see you next yeer, only that Gabe is such a fool! Your loving Sister,

"OLYMPIA CONROY."

THE END.

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